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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BOZA PLEASANT-BEY,)	
)	
Plaintiff,)	
)	Case No. 3:19-cv-00486
VS.)	JUDGE TRAUGER
)	JURY DEMAND
STATE OF TENNESSEE, et al,)	
)	
Defendants.)	
	X	

DEPOSITION OF RUSSELL WASHBURN
TAKEN ON APRIL 5, 2021

Prepared by:
Carole K. Briggs, LCR #345
Briggs & Associates
222 Second Avenue, North, Suite 340M
Nashville, Tennessee 37201
Briggscourtreporting@hotmail.com

1 APPEARANCES :

2

3

4 FOR THE PLAINTIFF:

5

6 TRICIA HERZFELD, ESQUIRE
7 JANNA MAPLES, ESQUIRE
8 Branstetter, Stranch & Jennings, PLLC
9 The Freedom Center
10 223 Rosa L. Parks Avenue
Suite 200
Nashville, Tennessee 37203
triciah@bsjfirm.com
jannam@bsjfirm.com

11

12 FOR THE DEFENDANT, STATE OF TENNESSEE:

13

14 THOMAS J. AUMANN, ESQUIRE
15 NIKKI N. HASHEMIAN, ESQUIRE
Tennessee Attorney General's Office
P.O. Box 20207
16 Nashville, Tennessee 37202-0207
thomas.aumann@ag.tn.gov
17 Nikki.hashemian@ag.tn.gov

18

19 FOR THE DEFENDANT, CORECIVIC:

20

21 JOSEPH F. WELBORN, ESQUIRE
22 ERIN PALMER POLLY, ESQUIRE
K&L Gates, LLP
23 222 Second Avenue South
Suite 1700
Nashville, Tennessee 37201
24 joe.welborn@klgates.com
Erin.polly@klgates.com

25

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The deposition of Russell Washburn, taken on behalf of the plaintiff, remotely via Zoom, by agreement of parties, on April 5, 2021, for all purposes allowed under the Federal Rules of Civil Procedure.

It is agreed that Carole K. Briggs, licensed court reporter for the State of Tennessee, may swear the witness, take his deposition, and afterwards reduce same to typewritten form, and that the reading and signing of the completed deposition by the witness is not waived.

All formalities as to notice, caption, certificate, et cetera, are expressly waived. All objections, except as to the form of the question, are reserved to the hearing.

(Unless previously provided, all names are spelled phonetically, to the best of the court reporter's ability.)

1 (Whereupon, the foregoing deposition
2 began at 9:08 a.m.)

3 THE COURT REPORTER: Good morning. We are on
4 the record. Today is April 5, 2021 at 9:08 a.m. At
5 this time, I would ask counsel to please introduce
6 yourself, who you represent, and that you agree to take
7 this deposition via Zoom. We will start with Ms.
8 Herzfeld.

9 MS. HERZFELD: Tricia Herzfeld and Janna
10 Maples for the plaintiff. And we consent to take this
11 deposition by Zoom.

12 MR. WELBORN: Joe Welborn and Erin Polly for
13 CoreCivic. And we consent.

14 MR. AUMANN: Tom Aumann and Nikki Hashemian
15 for the TDOC defendants. And we consent to take this
16 deposition via Zoom.

17 Whereupon,

18 RUSSELL WASHBURN,
19 having been first duly sworn, was examined and deposed
20 as follows:

21 EXAMINATION BY MS. HERZFELD:

22 Q. Good morning, Mr. Washburn.

23 A. Good morning.

24 (Off-the-record technical discussion.)

25 BY MS. HERZFELD:

1 Q. Could you state your name and spell it for
2 the record, please.

3 A. It's Russell Washburn. R-u-s-s-e-l-l. Last
4 is W-a-s-h-b-u-r-n.

5 Q. Okay, and what is your date of birth?

6 A. It is 5/15/1977.

7 Q. And Mr. Washburn, where are you employed?

8 A. I'm with -- employed at CoreCivic.

9 Q. What is your current position?

10 A. Warden.

11 Q. Warden of which facility?

12 A. The Stewart detention facility in Lumpkin,
13 Georgia.

14 Q. And how long have you been at Stewart?

15 A. April 1st of 2020.

16 Q. And what type of prisoners are housed at the
17 Stewart detention facility?

18 A. Immigration.

19 Q. So those would be civil detainees, not
20 criminal?

21 A. Yes, ma'am.

22 Q. Do you have any criminal detainees at
23 Stewart?

24 A. Prior criminal, yes.

25 Q. Okay, what do you mean by prior criminal?

1 A. Means they had criminal -- they have a
2 criminal history, but they're all here for final order
3 for possible release or deportation that I actively have
4 here at the facility.

5 Q. So when they're being held at Stewart
6 detention facility, they're being held as civil
7 detainees, though some may have a prior criminal
8 history?

9 A. Yes, ma'am, that's correct.

10 Q. And before you were at Stewart, where were
11 you located?

12 A. Trousdale Turner Correctional Center in
13 Hartsville, Georgia -- Hartsville, Tennessee, sorry.

14 Q. That's okay.

15 A. Think about where I'm at.

16 Q. And how long were you at Trousdale?

17 A. Just shy of three years. I went in May of
18 2017 and left the end of March of 2020.

19 Q. And why did you leave?

20 A. To get closer to my daughter and our new --
21 our newly born grandson.

22 Q. Are they in Georgia?

23 A. No, they're in Florida. So we're about six
24 hours closer.

25 Q. Oh, well, that makes a big difference. Is it

1 a boy or girl?

2 A. Boy.

3 Q. Oh, you said grandson. Well,
4 congratulations.

5 A. Thank you.

6 Q. That's such a blessing. And before you were
7 at Trousdale where were you?

8 A. I was the warden at the Citrus County
9 Detention Center in Lecanto, Florida.

10 Q. And are those criminals, immigrants? Who is
11 held at the Citrus County facility?

12 A. Well, it's a county jail, so we have
13 pretrial, but we also had multiple contracts. I had
14 U.S. Marshal population that was also pretrial. And I
15 had the U.S. Virgin Islands population, which all were
16 convicted.

17 Q. Were you a CoreCivic employee when you were
18 running that facility?

19 A. Yes, ma'am.

20 Q. And which county in Florida is that in?

21 A. Citrus County.

22 Q. Where is Citrus County?

23 A. Lecanto, Florida. It's central Florida.
24 It's about 70 miles north of Tampa.

25 Q. How long did you work there?

1 A. Close to seven years.

2 Q. What was your position?

3 A. Warden.

4 Q. And before you were at Citrus County, where
5 were you employed?

6 A. Hernando County jail with CoreCivic as
7 warden.

8 Q. Where is Hernando County?

9 A. It's the neighboring county to Citrus County,
10 so it's probably about 50 miles north of Tampa.

11 Q. What type of population was housed at the
12 Hernando County jail, pretrial?

13 A. Pretrial, yes, ma'am. We had county jail
14 inmates. And at that facility, we also had U.S.
15 Marshal.

16 Q. Did you have immigration detainees?

17 A. We did at a period of time. I'm not -- I
18 don't believe we had any at the conclusion when I left.
19 But we did during my tenure there, yes.

20 Q. How long were you employed there?

21 A. I was there twice. That time, I believe it
22 was four years.

23 Q. Roughly what years were you employed there
24 that time?

25 A. Let's see, I left there in '10. I would have

1 went back to Hernando in -- I believe it was 2006. And
2 then left in 2010.

3 Q. And before you were at Hernando, where were
4 you?

5 A. I was at the Gadsden Correctional Facility in
6 Quincy, Florida.

7 Q. And what type of a facility is that?

8 A. That was an all female convicted felons for
9 the State of Florida.

10 Q. And what was your position?

11 A. Assistant warden.

12 Q. So the first time you were warden, was that
13 at the Hernando County jail?

14 A. Yes, ma'am.

15 Q. And how long were you at the Gadsden
16 facility?

17 A. Really stretching my memory here. Let's see,
18 I think I went there -- it was '03 or '04, I believe I
19 went to Gadsden. And then subsequently transferred to
20 Hernando from there.

21 Q. What is your educational background?

22 A. I graduated high school. Went through the
23 law enforcement correctional academy in the State of
24 Florida. Obtained my certification in the State of
25 Florida. Do not have a college degree.

1 Q. What year did you receive your certification?

2 A. 1997.

3 Q. So we'll get back to your career history in a
4 minute. Have you ever been deposed before, Mr.
5 Washburn?

6 A. Yes, ma'am.

7 Q. I can tell by the way that you are answering
8 so concisely and answering my questions. You are being
9 such a good witness that you definitely have been
10 deposed before. How many times would you say? You can
11 approximate.

12 A. A pure guess, 13, 14 times.

13 Q. And what types of cases have those been?

14 A. They've been all with CoreCivic. Primarily
15 inmates' suits, lawsuits.

16 Q. Have you ever testified in a deposition about
17 anything involving Trousdale, the Trousdale facility at
18 CoreCivic?

19 A. Yes.

20 Q. Okay, how many times?

21 A. One, I believe.

22 Q. And what was that case about?

23 A. The -- let me make sure I'm referencing the
24 right case. I don't know if I can ask Ms. Polly. I
25 don't want to wrongly state.

1 THE WITNESS: Can you remind me of that case
2 or no, can I not do that?

3 MR. WELBORN: Just tell her what you
4 remember.

5 THE WITNESS: Honestly, I'd have to go back
6 and look to see what the case information was.

7 BY MS. HERZFELD:

8 Q. Okay. And do you have some notes there in
9 front of you?

10 A. I don't. I have my note pad, I was going to
11 write it down to look. Here, I'll show you, it's blank.

12 Q. Okay, very good. So we'll just -- we'll take
13 a break -- when we take a break, we'll see if you can
14 remember what that case was about. Do you remember
15 anything at all?

16 A. Not right now.

17 Q. Was it about religion? Was it about
18 violence? Was it about anything -- you can't remember
19 anything at all?

20 A. No, I would have to go back and look. I'm
21 sorry.

22 Q. Okay. And when was that deposition that you
23 gave?

24 A. It was a few weeks ago. I don't remember
25 exactly what the time frame was.

1 Q. And was it a prisoner case?

2 A. Yes.

3 Q. And was there a lawyer that was deposing you
4 or was it the prisoner?

5 A. A lawyer.

6 Q. And do you remember if the lawyer was a male
7 or a female?

8 A. Male.

9 Q. And do you remember his name?

10 A. I do not.

11 Q. How long would you say you were deposed for?

12 A. A couple of hours.

13 Q. Did it last after lunch?

14 A. No, I don't believe I did.

15 Q. Did you do it via Zoom like we're doing here?

16 A. Yes, ma'am.

17 Q. Okay, great. Just give me one second. Okay,
18 and so going back -- go ahead.

19 A. I'm sorry. I just completely had -- I
20 remember what it was referencing. It was a PREA case.

21 Q. Oh, okay.

22 A. Yeah, I was completely drawing a blank, so my
23 apologies.

24 Q. It happens and I appreciate the fact that you
25 corrected me. Fantastic.

1 A. No, it was on a PREA case, so I apologize.

2 Q. What were the allegations in that PREA case?

3 A. I don't know all of the specific allegations.
4 I know what -- it was the detainee indicated that, I
5 believe it was he didn't get appropriate medical care
6 following the reports of the preallegation. And
7 specifically what the allegations were against me,
8 honestly, I don't recall specifics on that. But I know
9 the gist of the complaint was that he didn't feel he got
10 adequate mental -- I believe it was mental health, not
11 necessarily medical treatment following the allegation.

12 Q. And would you know if that was the Plemmons
13 case? Does that sound familiar, Plemmons?

14 A. No, I don't think that's the right name.

15 Q. Do you know who Mr. Plemmons is?

16 A. I know the name, but I don't know why I know
17 the name.

18 Q. And this is the case of Mr. Pleasant-Bey. Do
19 you know who Mr. Pleasant Bay is?

20 A. I do.

21 Q. And how do you know him?

22 A. Well, be careful how I say this. I mean,
23 just through conversations with my attorneys.

24 Q. Okay. But other than conversations with your
25 attorneys, do you have any independent recollection of

1 who Mr. Pleasant Bay is?

2 A. No.

3 Q. So he wasn't somebody that you knew when you
4 were a warden at Trousdale?

5 A. I'm sure I had conversations with him. I
6 mean, there was average population of 2400 plus, so to
7 say I remember anyone specific, I would be lying to say
8 that.

9 Q. But so as you sit here today, you don't have
10 any specific memory of Mr. Pleasant Bay from your time
11 at Trousdale?

12 A. No, ma'am.

13 Q. Have you had an opportunity to read the
14 complaint in this case?

15 A. I have not.

16 Q. When were you notified of your deposition
17 today?

18 A. I was notified not last week, but the week
19 before. I am not sure of the exact day.

20 Q. Are you aware of what the allegations are in
21 this case?

22 A. Yes, I believe so.

23 Q. Okay, and what is your understanding of what
24 the allegations are?

25 MR. WELBORN: Objection to the extent those

1 -- your understanding of the allegations come from
2 counsel.

3 THE WITNESS: Correct.

4 MS. HERZFELD: I believe I am allowed to ask
5 him if he knows what this case is about.

6 MR. WELBORN: That's fine, but with the
7 understanding that his understanding comes from
8 conversations with us, I believe.

9 THE WITNESS: That is a correct statement.

10 BY MS. HERZFELD:

11 Q. And what is your understanding of the
12 allegations in this lawsuit?

13 A. My understanding is the fact that something
14 to do with religious practice or religious rights. I'm
15 not sure of the specifics to that. And my understanding
16 is a violent incident. It's not a full understanding of
17 what specific as it relates to violent incidents.

18 Q. And what did you do to prepare for today's
19 deposition?

20 A. Just had conversations with my legal counsel.

21 Q. When were those conversations?

22 A. Friday.

23 Q. And Friday is the only day that you spoke
24 with your counsel to prepare for this deposition?

25 A. Yes, ma'am.

1 Q. How long did you speak with your counsel on
2 Friday?

3 A. Approximately two hours.

4 Q. Okay, back to your work history. So you got
5 your certificate back in 1997. And it looks like you
6 were the assistant warden in Gadsden in about '03.
7 Could you walk me through where you worked in between.

8 A. Do you want me to -- it might be easier if I
9 start at the beginning and work my way through so I
10 don't confuse myself.

11 Q. That's fine.

12 A. So I started at the Hernando County jail in
13 1996 as a correctional officer. I advanced through
14 multiple ranks at the Hernando County jail up to the
15 position of training manager prior to my departure. And
16 I want to say that departure was in 2000, somewhere
17 around that time frame.

18 Went to Tulsa, Oklahoma, which was the David
19 L. Moss Criminal Justice Center, as a promotion to chief
20 of security. That was another county jail. We housed
21 county inmates for Tulsa. And then also housed U.S.
22 Marshals at that particular facility. Remained there as
23 a chief of security for approximately a year.

24 Did a lateral transfer to Gadsden
25 Correctional Facility as a chief of security. Promoted

1 to assistant warden. Prior to leaving Gadsden, did a
2 lateral transfer back to the Hernando County jail as an
3 assistant warden. And then promoted to warden at the
4 Hernando County jail. And then you have progression
5 from there to Citrus and then to Trousdale. And now to
6 my current position here at Stewart.

7 Q. And have you been a CoreCivic employee your
8 entire career?

9 A. Yes, ma'am.

10 Q. Do you understand that you're a defendant in
11 this case?

12 A. Yes, ma'am.

13 Q. And you haven't read a copy of the complaint?

14 A. No, ma'am.

15 Q. Has one been provided to you?

16 A. Not that I am aware of.

17 Q. Who was the chaplain at Trousdale when you
18 were working there?

19 A. I had a couple. I had Shonebarger was the
20 chaplain. I don't remember the other gentleman's name
21 who transferred to one of our other facilities. Sorry,
22 I don't recall his name. I think he's still with us.
23 He might be at one of our other facilities. I think he
24 transferred -- I know he transferred to Nevada Southern.
25 I'd have to go back and pull it up, but I can't recall

1 his name.

2 Q. Okay, you remember Shonebarger. Was he there
3 the majority of the time you were there?

4 A. He was there the entire time.

5 Q. And what is Mr. Shonebarger's job
6 description, if you could just tell me in a review?

7 A. He is the chaplain, so he provides
8 nondenominational guidance and resources to all of the
9 inmate population. Coordinates volunteers to provide
10 services to the population. He also serves as a guide
11 to the administration to ensure that we understand the
12 religious requirements and that we're in -- the facility
13 is in order with those. He facilitates schedules for
14 those services in conjunction with the security staff.
15 He also does, you know, emergency notifications to
16 family members. And of course, provides some guidance
17 to staff or support, I should say, to staff when needed.

18 Q. Was Tom Sivak (phonetic) the name of the
19 other --

20 A. Yes, ma'am, thank you.

21 Q. Okay, great. And when you say that the
22 chaplain is providing those services for people who are
23 at Trousdale, is there a particular religious
24 denomination that he does that for?

25 A. No, I mean, nondenominational. He has to

1 provide services to all, recognize the religions,
2 whether he personally or through documentation, through
3 volunteers, through various other technology that may be
4 available. So he would have to provide any recognized
5 religious faith.

6 Q. What were the recognized religious faiths
7 while you were at Trousdale?

8 A. I would be lying. That's not my area of
9 strength. So you know, again, there is TDOC policy.
10 I'd have to refer back to the policies that define
11 those. But to say I can recall each of the religions
12 that were recognized by memory, I couldn't do that.

13 Q. Can you recall any?

14 A. I mean, sure. Christian. You got Muslim.
15 You have Catholic services. There's a good number, but
16 those are the three that most prominently stand out to
17 me.

18 Q. Okay, what about Jewish, the Jewish religion?

19 A. I believe so, yes.

20 Q. What was the primary religion of the
21 prisoners? What was the religion of most of the
22 prisoners, if you know?

23 A. I don't know.

24 Q. And when you said you're referring to TDOC
25 policy, which TDOC policy are you referring to?

1 A. Again, I would have to go back. I don't know
2 the number off the top of my head. I mean, it's their
3 religious policy.

4 Q. And when you refer to a religious policy from
5 TDOC, what would you be looking for?

6 A. Policy would govern how we operate in the
7 religious aspect and how we meet the inmates' needs and
8 requirements.

9 Q. As warden of Trousdale, you have how many
10 sets of policies that you follow. Meaning TDOC,
11 CoreCivic, is there anything else?

12 A. No. I mean, it would be TDOC and CoreCivic
13 policy. But hundreds, hundreds of policies.

14 Q. In CoreCivic policies, were there specific
15 CoreCivic policies on religion?

16 A. We have policies, but I would say at
17 Trousdale, we primarily followed the TDOC policies.

18 Q. Were there specific policies for Trousdale
19 regarding religion?

20 A. No, that varied from -- if I'm understanding
21 the question, different TDOC policies specific for
22 Trousdale?

23 Q. Yes, sir.

24 A. No, ma'am, not that I am aware.

25 Q. And what training did you have on the TDOC

1 policies that you needed to implement?

2 A. No formalized training that I received.

3 Q. And if there was a question about how a
4 policy should be implemented, what would you do?

5 A. I would consult with either the chaplain, the
6 TDOC officials, the contract monitor that was there on
7 site. We actually had two contract monitors that were
8 there full-time. Or consult with the religious staff
9 there at our headquarters in Nashville.

10 Q. Okay, so the chaplain we talked about, that
11 was Chaplain Sivak and Chaplain Shonebarger; is that
12 right?

13 A. Yes, ma'am.

14 Q. Okay, and then TDOC officials that you said
15 you would consult with if you had questions, who would
16 those TDOC officials be?

17 A. Chris Brun would have been the contract
18 monitor at the facility that I would have consulted
19 with.

20 Q. And what does a contract monitor do?

21 A. He monitors our operations, meaning
22 CoreCivic's operation at the facility, to ensure that
23 the things that we're doing are consistent and in
24 compliance with contract requirements.

25 Q. When you say contract, which contract are you

1 talking about?

2 A. The Tennessee Department of Corrections. It
3 was the only contract that Trousdale had with the
4 Tennessee Department of Corrections.

5 Q. And so just to make it a little bit more
6 clear for the jury, when you are talking about a
7 contract, that's because CoreCivic is not affiliated
8 with TDOC; is that right?

9 A. That's correct. We provide services for
10 care, custody and control of inmates for the Tennessee
11 Department of Corrections through a contract.

12 Q. Okay, and CoreCivic is a for-profit
13 corporation; is that correct?

14 A. Yes, ma'am.

15 Q. And you are employed by CoreCivic, not by
16 TDOC; is that right?

17 A. That's correct. Yes, ma'am.

18 Q. Okay, and so the contract monitors are there
19 to make sure that the terms of the contract between TDOC
20 and CoreCivic are being enforced?

21 A. That's correct.

22 Q. And who were the contract monitors at TDOC --
23 I'm sorry, at Trousdale at the time that you were
24 employed there?

25 A. Chris Brun was the primary. I forget the

1 other gentleman's name. He had just come shortly before
2 my departure. The majority -- from the time that I
3 arrived at Trousdale until the time that I left, Chris
4 Brun was in place.

5 Q. Is Chris Brun a TDOC employee or a CoreCivic
6 employee?

7 A. TDOC employee.

8 Q. Does he have an office at Trousdale?

9 A. He does.

10 Q. Does he go to that office at Trousdale every
11 day --

12 A. Yes.

13 Q. -- the time that you were warden at
14 Trousdale?

15 A. Yes, ma'am.

16 Q. And where is his office located in relation
17 to yours?

18 A. I believe it was either two or three doors
19 down from my door when I was there. I can't answer for
20 today.

21 Q. Is that like an executive suite?

22 A. The -- what we call the administration area.

23 Q. What would the contract monitor do day to
24 day?

25 A. I mean, obviously, we would talk daily. He

1 would conduct rounds throughout the facility, inspecting
2 practice and inspecting documents to ensure that what
3 we're doing is compliant with policy.

4 Q. Did Mr. Brun ever alert you to anything that
5 you were doing that was not in compliance with policy?

6 A. I'm sure in the three years or close to three
7 years, yes, ma'am, I'm sure he did.

8 Q. Can you think of any time in specific?

9 A. Segregation rounds, I think was one of them,
10 where staff had missed maybe conducting rounds at the
11 durations or at least documenting that they had
12 conducted the rounds in segregation at the designated
13 times.

14 Q. Anything else?

15 A. Again, I'm sure there was quite a few things
16 throughout that three years. But to say I can draw from
17 memory the specifics, I can't.

18 Q. And so if the contract monitor was alerting
19 you to something you were doing that was out of
20 compliance, is that documented someplace?

21 A. Yeah -- well, not always. Sometimes it's a
22 verbal notification. They did -- Tennessee Department
23 of Corrections had what, I believe it was CDRs, which
24 was contract deficiency reports that would be generated
25 in the event that there was something that was found

1 outside of the compliance of policy. I'm sorry, of
2 contract, not policy.

3 Q. And is there a policy on these contract
4 deficiency reports?

5 MR. AUMANN: Objection to form.

6 THE WITNESS: I don't know whether they had a
7 specific policy for the contract monitor to follow or
8 not.

9 BY MS. HERZFELD:

10 Q. And when you said sometimes there was just a
11 verbal discussion, give me some examples of that, if you
12 can recall.

13 A. Yeah, I mean, we could be walking along and,
14 you know, an inmate walk by that didn't have on his arm
15 band, for say, that requires to have an arm band on
16 before they exit the unit. You know, he would come up
17 and say, warden, those are -- you know, the inmates are
18 required to be wearing their arm bands. And so we would
19 immediately address that type of situation.

20 Q. Okay, but that type of situation wouldn't
21 have been written down anywhere to your knowledge?

22 A. Not to say that it wasn't, but I don't
23 believe I ever received a CDR or anything that I am
24 aware of specific to arm bands. But again, I would be
25 drawing from memory, so I can't say for certain that

1 there wasn't.

2 Q. And when there was a contract deficiency
3 report, you would receive a copy?

4 A. Yes, ma'am.

5 Q. How would you receive a copy?

6 A. It would typically come by via e-mail. And
7 then Chris Brun would historically provide a copy or a
8 printed copy as well.

9 Q. And do you know if those were filed away or
10 stored someplace?

11 A. Yes, they would be stored within the quality
12 assurance manager's office.

13 Q. Who was the quality assurance manager?

14 A. When I left, it was Beverly Atwood.

15 Q. What is the job of the quality assurance
16 manager?

17 A. It's to ensure that we're operating in
18 compliance with American Correctional Association
19 standards, ACA. To ensure that we are operating in
20 compliance with our contracts. That we are operating in
21 compliance with audit standards, whether that be the
22 Tennessee Department of Corrections, whether that be
23 CoreCivic audit standards, ACA standards. So that's
24 their primary role.

25 Q. And that quality assurance manager, are they

1 employed by CoreCivic or TDOC or somebody independent?

2 A. CoreCivic.

3 Q. So if there was a contract deficiency report,
4 that information would have gone to quality assurance,
5 who is a CoreCivic employee, and filed away or kept
6 wherever it is it's kept?

7 A. It would have been sent to -- we require --
8 we process them and have to respond back to those
9 contract deficiency reports to the partner which, in
10 this case, was Tennessee Department of Corrections. So
11 it wouldn't be just that we filed them and did nothing
12 with them, it would be that we acted upon those. We
13 respond back to the partner and how we address that
14 specific contract deficiency. And then the contract
15 monitor would then follow up to ensure that the practice
16 that we put in place did, in fact, address wherever the
17 contract deficiency was.

18 Q. And can you recall a time where you were
19 notified of a contract deficiency, you fixed it and the
20 contract monitor said no, still not good enough?

21 A. Again, I'm sure there was, but to recall from
22 memory, I would have to go back and look at reports.

23 Q. Were there any other reports that you know
24 that would have been generated or any other paperwork
25 about compliance with the contract if there was a

1 deficiency?

2 A. No.

3 Q. What other positions are housed in the
4 administrative office?

5 A. Let's see, of course the warden's secretary.
6 I'm just going to kind of work my way around so I don't
7 miss any.

8 Q. Sure.

9 A. You have the human resource had a couple of
10 offices in that area. Quality assurance manager. The
11 facility investigator. Of course, the two contract
12 monitors. I don't think I missed anybody. I think that
13 might be it. Mail room. Sorry, I did forget mail room.

14 Q. Do you know why there's two contract
15 monitors?

16 A. There was -- when I first arrived at
17 Trousdale, there was only one. They increased it to
18 two. I will tell you, the primary -- seemed like their
19 duties were somewhat broken down. One was more with the
20 operational compliance aspect, where the other one was
21 more services compliance, with like medical -- over
22 medical and various other services that would be
23 provided. That's probably the best description I could
24 give to the breakdown. And Trousdale is a large
25 facility.

1 Q. And so after you had been there for about how
2 long had they brought on the second contract monitor?

3 A. A year-and-a-half, maybe two years.

4 Q. What is a facility investigator? What do
5 they do?

6 A. They conduct internal investigations at the
7 facility. They also provide assistance to the Tennessee
8 Department of Corrections investigative bodies, local
9 law enforcement. They investigate not only inmate
10 issues internally, they also investigate the employee
11 type of situations internally as well.

12 If it was something that was being handled by
13 the Tennessee Department of Corrections, then they just
14 simply add -- provided assistance to the investigators
15 that were actually in the lead on the investigation.

16 Q. And so when you're talking about
17 investigations, let's talk about investigations of
18 prisoners first. Are you talking about what, if
19 somebody stole somebody's something or what type of
20 investigation?

21 A. That could be. A PREA allegation could be
22 one. And then more often than not, that was a supported
23 role because any of the PREA allegations the Tennessee
24 Department of Corrections investigated, so they're more
25 of a support mechanism to those individuals.

1 But yeah, I mean, it's really anything that
2 would not have been escalated to a criminal
3 investigation. The facility investigator is not a
4 criminal investigator, so if it was criminal in nature,
5 then that would obviously be handled by outside
6 resources. And then just provide that assistance. It's
7 all more administrative type of investigations inside
8 the facility.

9 Q. Okay. And so when you said the facility
10 investigator also investigates staff, what types of
11 situations would they be investigating for staff?

12 A. Again, those vary. Non-criminal, of course.
13 They would not be a criminal investigation. But if we
14 had an example where we used the contract monitor
15 indicating that staff weren't necessarily conducting the
16 watch tours as designed, the investigator would then be
17 tasked with going back, reviewing video to determine did
18 the staff just simply neglect to document that they
19 completed the sets of rounds and they actually had
20 physically done them, or hey, they didn't do them nor
21 did they document them. So that may be something that
22 they would investigate.

23 Q. And I might have asked you this already, who
24 was the facility investigator when you were present?

25 A. It was Amber Woods.

1 Q. Is Ms. Woods a TDOC employee?

2 A. No, CoreCivic.

3 Q. And if there was an issue with a contract
4 deficiency report, would Ms. Woods be involved in that
5 process and procedure at all?

6 A. Only if it required some level of
7 investigation.

8 Q. You said if you had questions about
9 implementations of any policies regarding religion,
10 other people you might call were the religious staff at
11 headquarters in Nashville. Who would that be?

12 A. Well, at the time, it was Tim O'Dell was the
13 head of our chaplaincy services. So I would reach out
14 to Mr. O'Dell. He is no longer -- he is retired now,
15 but it would have been Tim O'Dell.

16 Q. And do you recall reaching out to Mr. O'Dell
17 with any questions about religious policies and how they
18 should be implemented?

19 A. You broke up. Could you repeat the question.

20 Q. Sure. I'm so sorry about that. It looks
21 like the internet just kind of flickered there for a
22 minute.

23 (Technical issues.)

24 BY MS. HERZFELD:

25 Q. My question was did you ever have cause to

1 call over to Mr. O'Dell at headquarters in Nashville to
2 ask questions or get advice on implementation of a
3 religious policy?

4 A. I had conversated with Mr. O'Dell pretty
5 regular. To recall any specific conversations, whether
6 it was related to a policy, again, just to go off of
7 memory, I couldn't specifically say yes to that
8 question.

9 Q. During your time when you were warden at
10 Trousdale, can you recall any time that you tried to get
11 clarification on a TDOC or CoreCivic policy having to do
12 with religion?

13 A. No.

14 Q. Did the chaplain ever come to you and say,
15 I've got some questions about these religious policies
16 or how to implement them? Did you ever have a
17 conversation like that?

18 A. Again, I'm sure we had -- I mean, we had
19 conversations regularly about various topics. I'm sure
20 that was a topic of conversation. But to draw specifics
21 to a specific conversation, I can't.

22 Q. And turning to your time at Trousdale as the
23 warden, could you please list for me all religious
24 services and accommodations that Trousdale made for
25 Muslim prisoners?

1 A. When you say made, what is that? Can you --

2 Q. How about which services did you provide for
3 Muslim prisoners?

4 A. Again, I can't -- no, I couldn't tell you all
5 specifics, no, ma'am.

6 Q. Can you tell me any?

7 A. I mean, we provided them with the opportunity
8 and the area and the location to commence their
9 services. Honestly, whether or not we were successful
10 in recruiting volunteers for the Muslim services, I
11 can't recall. I do know that that's one that's commonly
12 very challenging to find volunteers to come in to
13 provide the service.

14 But at Trousdale, I can't say specifically
15 whether we were successful in recruiting a Muslim
16 volunteer or not. But I do know that we provided them a
17 space and a location to practice their faith. And it
18 was done in the -- within the educational building, I
19 believe in the chaplain location. Or the chapel
20 location.

21 Q. And when you say recruiting volunteers, what
22 do you mean?

23 A. Meaning that we -- again, part of the
24 function, as I said previously with the chaplain, was to
25 try to recruit and solicit volunteers for various

1 services and faiths, so that those individuals could
2 come into the facility to assist in providing that
3 religious service to the population.

4 Q. So when you talk about recruiting volunteers,
5 would that be like an elder in the religion or an Imam
6 or just somebody off the street who would come and pray
7 with people? I just want to make sure I understand.

8 A. No, it would have to be somebody that would
9 have to be vetted and verified, go through the
10 background screening process to ensure that they have
11 the appropriate background, appropriate credentialing,
12 whatever it may be required of that specific faith. So
13 no, it's not just go pick somebody off the street.
14 It's, you know, they fill out an application. They have
15 to go through the whole process, much like employment,
16 to ensure that they're appropriate to come inside the
17 facility.

18 Q. Who would handle the processing of that
19 application? Would that be the chaplain?

20 A. It would be the chaplain, yes, ma'am.

21 Q. And then you said that you know that they
22 were provided space and a location to have their
23 services and that was in the education building?

24 A. Yes, ma'am, that's where the chapel -- we had
25 two chapel locations. We had one that was in the

1 W-unit. But primarily the one that was used, and I
2 believe was used for the Muslim access as well, was the
3 chapel located in the education building.

4 Q. Could you describe that chapel for me?

5 A. I mean, it's a large room with chairs. It's
6 got a podium. Some equipment in there for a choir and
7 the group that goes in there. Religious materials for
8 checking out or to review while they are in the chapel.

9 Q. Do you know if there is any Christian
10 iconography in that chapel?

11 A. I'm sure there is, but to say that I can say
12 specific, I cannot.

13 Q. And I guess my question is, is there a big
14 cross up?

15 A. Honestly, I don't -- I can't recall. I don't
16 think there is, but I don't want to say for certain. It
17 wouldn't be out of character to see one in a prison
18 facility, but I can't recall specifically about
19 Trousdale.

20 Q. Do you know how often the Muslim prisoners
21 were given that opportunity, that space to have their
22 services?

23 A. No, ma'am, I would have to go back and refer
24 back to the schedule.

25 Q. And what schedule are you referring to?

1 A. Fair to say that the chaplain would do a
2 monthly schedule as to what services. As you can
3 imagine, there was multiple uses of that particular
4 area. So he would have to create a schedule that would
5 allow the appropriate level of access to all religious
6 faiths.

7 Q. And where would those schedules be stored?

8 A. I'm sure he stored them in the chapel, but
9 they were also sent out to and posted in the units for
10 the population to see and then sent out to all of the
11 staff.

12 Q. So other than the time to pray that was on
13 the schedule that the chaplain created, do you know if
14 Muslim prisoners were allowed to pray during the times
15 that they need to pray during the day individually?

16 MR. AUMANN: Object to form.

17 BY MS. HERZFELD:

18 Q. You can answer.

19 A. All right. So yes, I mean, anybody that
20 wants to practice their faith regardless, certainly had
21 the opportunity to do that in their cell, within their
22 area of living. So to answer that, yes, anyone would
23 have had that ability to do that.

24 Q. During your time as warden at Trousdale, did
25 you ever see Muslim prisoners stopping and praying?

1 A. During like cell inspections, yes.

2 Q. Explain to me what you mean by during cell
3 inspections.

4 A. Each morning we would do an inspection of
5 specific areas throughout the facility and actually do a
6 well-being check of the inmates. Look at their area of
7 responsibility to make sure that it was clean, it was
8 organized and appropriate.

9 Q. Okay, and you would see prisoners praying at
10 that time?

11 A. I did see that, yes, ma'am. Or just general
12 rounds.

13 Q. What about prayer rugs, did you see prisoners
14 with prayer rugs?

15 A. Yes.

16 Q. And in what context did you see that?

17 A. I saw them within their cells. I saw them
18 carrying them to and from the chapel locations. So
19 yeah, that would be the places I would have saw.

20 Q. Do you know if Muslims are designated as a
21 security threat group at Trousdale?

22 A. They are not classified as a security threat
23 group.

24 Q. Are they classified as any sort of a
25 particular group other than religious?

1 A. No.

2 Q. Have Muslims at Trousdale ever been
3 designated as a security threat group?

4 A. Not to my knowledge.

5 Q. Do you know what khuffein is? Prayer socks,
6 Muslim prayer socks?

7 A. I have heard of them, yes.

8 Q. What do you know about khuffein?

9 A. Just what you just said, that they are a
10 sock. I am not sure what they represent or anything of
11 that nature.

12 Q. Do you know if Muslim prisoners at Trousdale
13 are permitted to purchase the Muslim prayer socks, the
14 khuffein?

15 A. Those are the leather-type socks; is that
16 correct?

17 Q. I believe so.

18 A. Then the answer would be no.

19 Q. Okay, and why is that?

20 A. Because they pose a security risk.

21 Q. You're going to have to help me out because I
22 haven't been a warden before. What about prayer socks,
23 what about these leather prayer socks would be a
24 security risk?

25 A. Anything that's leather, obviously, could be

1 used to help defeat -- could be used in the commission
2 of an escape, either to defeat and protect the person
3 from the razor wire. That particular facility also had
4 a stun fence on it. That could be used as an insulator
5 to prevent that person from being -- the stun fence from
6 working properly the way it's designed to work. So
7 really, it would be a concern that it could be -- they
8 could be used as a commission to escape from the
9 facility.

10 Q. Is that written in policy somewhere?

11 A. I do not know. I don't believe so, no.

12 Q. And who makes that decision and
13 determination?

14 A. It would typically be the chief of security,
15 the assistant warden of operations and myself.

16 Q. Who was the chief of security at that time?

17 A. I had several. Ruben Risper as the chief
18 when I left, chief of security.

19 Q. And can you recall any others?

20 A. Let's see, who do I have before? Risper was
21 there the bulk of the time that I was the chief. You
22 had Keith Huggins was also the chief of security there.

23 Q. And if I understood your testimony correctly,
24 that decision would have been made by you, the assistant
25 warden and the chief of security; did I understand that

1 correctly?

2 A. Yes, ma'am, that's correct.

3 Q. And was there ever a time when you were
4 called upon to make that decision to say no khuffein, no
5 prayer socks when you were at Trousdale?

6 A. If they were denied, then the answer would
7 have been a yes.

8 Q. Do you recall that when you were at
9 Trousdale, them being denied?

10 A. To say those denied specifically, no. But
11 again, if they were denied, then I would have been a
12 part of that discussion.

13 Q. Would there have been something in writing
14 created during that consideration and denial process?

15 A. Yes.

16 Q. What would have existed in writing?

17 A. Typically it's a memorandum that goes out to
18 all staff as well as the population.

19 Q. And so that would have been like a general
20 memorandum, like to everybody, hey, these socks are not
21 allowed?

22 A. Yes, ma'am.

23 Q. Or would it have been specific in response to
24 somebody ordering?

25 A. No, it would have been a general memorandum.

1 If we chose or made the decision based on our
2 experiences that they were a security breach, a safety
3 concern, then we would have put it out in writing. More
4 often than not, it was memorandums for staff and
5 population so they understood what those restrictions
6 were.

7 Q. And where could I find a copy of that
8 memorandum?

9 A. At the time when I was there, we maintained a
10 memorandum book that was kept by my secretary. I can't
11 tell you whether or not that still exists today because
12 I've been gone for a year. But there was a memo book
13 that was maintained.

14 Q. Okay, and would it have been e-mailed
15 someplace? Would there have been an electronic copy?

16 A. Typically, yes, we would -- I'm sure we would
17 have sent it out to Trousdale staff via electronic
18 e-mail. So whether it came from the QA manager or
19 whether it came out from the chaplain, I can't answer
20 that, or if it came out from my office.

21 Q. And when using those socks, would it be
22 possible for the prisoner to use those socks during, you
23 know, a religious service and then give them back?

24 A. Again, anytime you introduce that type of
25 clothing article, there is always a risk of human error,

1 somebody not doing something that they should have done.

2 And ultimately, those things slipping out to locations
3 that they should not have been. And certainly, my job
4 is to -- is equal to the public in the community that we
5 serve to ensure that those offenders do not escape from
6 that facility.

7 Q. Do you know of any religious gear that is
8 used during services and then given back?

9 A. Again, there probably is, but to say that I
10 can say any specifics, no, ma'am.

11 Q. What about a rosary? Do you know if
12 prisoners are allowed to keep rosaries with them in
13 their cell?

14 A. Are you talking about the rosary type, like
15 the necklace?

16 Q. Yes, sir.

17 A. I've seen those, yes, ma'am.

18 Q. And they keep those in their cell?

19 A. I believe so, yes, ma'am.

20 Q. What about any other religious items?

21 A. Well, you said -- I mean, the prayer rugs,
22 they keep those. Other than like Bibles and documents,
23 you know, literature type stuff, they keep that type of
24 stuff. And I'm sure there's some things within TDOC
25 policy that they are allowed to keep and did keep, but I

1 can't recall any specifics other than those.

2 Q. When a chaplain comes in to do services, are
3 they permitted to bring things in with them?

4 A. Only allowable items. You know, specific to
5 the class or the service that they're providing. And
6 again, they would have to be approved and appropriate
7 items.

8 Q. And where could I find a list of what are
9 approved and appropriate items that can be brought in by
10 a chaplain or approved volunteer for religious purposes?

11 A. CoreCivic has an approval policy for our
12 intake policy -- or checkpoint. So it would have to be
13 items that would be approved to come inside of the
14 facility.

15 Q. And what about belts? Do you know anything
16 become Rastafarians being able to bring in Bob Marley
17 belts?

18 A. No.

19 Q. Have you ever had that situation happen at
20 Trousdale to your knowledge?

21 A. Not that I can recall, no.

22 Q. Would you consider a belt to be something
23 that's a security threat?

24 A. A standard TDOC-issued belt, no, ma'am.

25 Q. What if it's not a standard TDOC-issued belt?

1 A. Then again, there could be some concerns, you
2 know, with the belt. There's belts all around that
3 have, specifically the belt buckle that can conceal
4 contraband and those types of items. So again, there
5 would be some concern if it was a non-issued controlled
6 TDOC belt.

7 Q. And TDOC belts, what are those made out of?

8 A. I believe they're fabric, but again, I am not
9 a hundred percent.

10 Q. If TDOC belts were made out of leather, do
11 you know if that's true or if it's not?

12 A. I do not know.

13 Q. And what about the Bob Marley belts, do you
14 know if those are made out of leather?

15 A. No, ma'am, I have no clue.

16 Q. Can you see any difference in security
17 threats between a leather belt and leather socks?

18 A. I mean, width would be concerning. You could
19 cover a larger portion of your body. You could
20 specifically cover hands so that you could grab through.
21 I don't know that you could do that with a belt. Maybe,
22 I guess, with a really wide belt maybe. But that would
23 be one of the concerns, yes, ma'am.

24 Q. Any others?

25 A. No, not that I can think of.

1 MS. HERZFELD: We've been going for about an
2 hour. I think now is a good time to break if
3 everybody's okay.

4 MR. WELBORN: Good with me.

5 MR. AUMANN: Sounds good.

6 MS. HERZFELD: Okay, let's take 10 minutes.

7 (Recess observed.)

8 BY MS. HERZFELD:

9 Q. Okay, we're back on the record after a short
10 break. During that time, did you happen to remember the
11 name of the case that you gave a deposition in a couple
12 weeks ago?

13 A. No, ma'am.

14 Q. I'm going to ask you at your next break,
15 would you mind doing what you can to gather that
16 information so we know the name of the case?

17 A. Yes.

18 Q. Thank you very much. What type of shoes do
19 prisoners wear at Trousdale?

20 A. They have their slides, which is what they
21 would use like a shower slide. Tennis shoes, as well as
22 boots.

23 Q. What are the shower slides made out of?

24 A. Rubber, I believe.

25 Q. Okay, I think I know what you mean.

1 A. Rubber foam. They're more like -- probably
2 like foam, probably more so than anything.

3 Q. And then the tennis shoes, what material are
4 the tennis shoes made out of?

5 A. Standard tennis shoe canvas. Rubber type
6 soles.

7 Q. And what about the boots?

8 A. They're -- I'm not sure what the actual
9 material is. It's a heavy -- it's like a work boot
10 style shoe. It may be a type of leather.

11 Q. And is there a difference in having leather
12 socks or leather shoes to your mind?

13 A. Yeah. Again, leather socks can be put over
14 the hands and kind of masks like gloves. You can't
15 necessarily do that with a pair of shoes where you would
16 have gripping abilities.

17 Q. What other types of socks do prisoners wear
18 at Trousdale?

19 A. Just traditional, I guess cotton-style socks.

20 Q. Are they issued a certain number of pairs of
21 socks when they arrive?

22 A. They are. Again, I believe it was three
23 pairs at Trousdale. But I've been at several
24 facilities, so I'm guessing at the total number, but it
25 would have been at least three.

1 Q. Do you know if they can purchase additional
2 socks?

3 A. I believe so, yes.

4 Q. And where would they purchase those through?

5 A. Through, I believe -- of course commissary.
6 I believe we sold them on commissary that was there at
7 the facility. I'm trying to remember back to the union
8 supply list. They may have been able to order them
9 through union supply.

10 Q. Can you explain to me if there is a
11 difference between the commissary and what people can
12 order through union supply?

13 A. Union supply is managed through Tennessee
14 Department of Corrections, as far as the items that they
15 can purchase through union supply. The internal
16 commissary are items that we have there at the facility
17 that they can purchase and get those on a weekly basis,
18 pending stock. The union supply, I believe was
19 quarterly, is what they could actually purchase through
20 union supply.

21 Q. Where could I find a listing of what was
22 available for purchase in the commissary during your
23 time as warden at Trousdale?

24 A. They would have it at -- it should be there
25 at the facility in the business department, in the

1 business office.

2 Q. And what is the business office?

3 A. It's the business manager. It's a CoreCivic
4 employee. That's the one place -- person I did forget
5 when I was telling you who was in administration was the
6 business manager who would have supervised the staff in
7 the commissary.

8 Q. Do you know if those records were kept
9 electronically?

10 A. Again, I'm sure they are. But I would think
11 that they would at least have the hard copy, if not.

12 Q. And do you know what a kaffiyeh is?

13 A. No, ma'am.

14 Q. What about an agal?

15 A. No, ma'am.

16 Q. What about traditional Islamic dress, have
17 you ever had someone request to be able to wear
18 traditional Islamic dress, long sleeve, covers the arms
19 and legs?

20 A. Not that I can recall, no.

21 Q. And would that be permitted?

22 A. Again, we would have to evaluate what it is
23 that they were asking to secure, if it is outside of the
24 allowable items.

25 Q. I don't think I quite understood your answer.

1 So what they could wear, is that on the list of what
2 people are allowed to wear?

3 A. Yes, the TDOC-issued uniforms. The items
4 that are sold on commissary, the items that are approved
5 but through union supply. Anything outside of those
6 approved venues of securing items would have to be
7 evaluated to determine whether or not there was any
8 security concerns, life safety concerns that would exist
9 by that particular item being inside the facility.

10 Q. Trousdale is what level of security?

11 A. We have -- it was a low moderate -- or low
12 medium custody facility.

13 Q. And who is classified as low medium
14 considered -- I am sorry, I just totally mangled that.
15 Who is considered to be low or -- did you say moderate
16 custody or did you say medium?

17 A. Medium custody.

18 Q. Okay, what types of -- how does one become
19 low?

20 A. There's -- that's based off of a score sheet,
21 classification sheet. There's a lot of factors that are
22 taken into consideration. The person's current criminal
23 charges. The person's criminal history in the last 10
24 years is typically looked at. The age of the person.
25 The education of the person. Whether or not they

1 participated in programs. Their conduct while
2 incarcerated. All of those things are weighted through
3 a score sheet of classification and that's how that
4 person's classification is obtained.

5 Q. And so Trousdale, you said, is low and
6 medium. So what does that mean for security?

7 A. The two can be housed together. Now, if they
8 -- if their score raised to close custody, then they
9 would be placed into the restrictive housing area, which
10 at Trousdale was alpha unit. And then there would be a
11 coordination with the TDOC to move those individuals to
12 a facility that was classification appropriate. So but
13 as far as the low custody and the medium custody
14 population, they could commingle and coexist inside of
15 the facility and they did.

16 Q. When you say commingle and coexist in the
17 facility, what do you mean?

18 A. It means that they could be housed in the
19 same housing pod or housing unit as one another. They
20 could actually be celled in the same cell together even
21 inside of a housing unit.

22 Q. And typically, how many prisoners do you have
23 in a cell?

24 A. Two.

25 Q. And how many cells, typically, in a pod?

1 A. Oh. I believe there were 60. So there were
2 125-man units, so 60 cells.

3 Q. And how many pods are at Trousdale?

4 A. Total?

5 Q. Yes, sir.

6 A. Or by unit?

7 Q. Give me both.

8 A. Okay, so there's three pods in each unit for
9 delta, echo, bravo and charlie and fox units. And then
10 alpha unit, I believe had -- which was the restrictive
11 housing. I'm trying to remember the make-up there. I
12 believe there were six units there, which of course,
13 they were confined to their cells. Those units actually
14 held -- there were only 30 cells per unit for 60 total
15 capacity in the restrictive housing. And then W-unit
16 had four open bays. And I believe each one of those
17 bays, the dorm style, were 128 beds, if my memory serves
18 correctly.

19 Q. And what is it that people wear? I think you
20 said that there is stuff that they can purchase from the
21 commissary. There's obviously the uniform that's issued
22 to them. And you said stuff that they could buy from
23 union supply. So could you give me some examples?

24 A. Sure. The standard uniform in the Tennessee
25 Department of Corrections was the blue-jean-style type

1 pants that were marked appropriately with
2 identifications as being an inmate. Either a pullover
3 or button. They were -- I think they were phasing out
4 the button-style shirts and more of the pullover. For
5 lack of a better way to describe, much like what you
6 would see as a scrub, scrub top was pretty standard as
7 far as the actual uniform.

8 You had thermals for winter wear. You had a
9 jacket. I believe they could purchase the sweats, sweat
10 clothing through both commissary and union supply. I
11 believe we carry both of those in both of those
12 locations. And of course, the standard undergarments,
13 boxers, t-shirts, socks.

14 Q. So on any given day, could you see prisoners
15 walking around Trousdale in the standard-issue uniform
16 or, say, sweats, for example?

17 A. Sweats only if they were going to the yard,
18 you know, meaning if they were going to go to
19 recreation, whether in the gym or the outside yard.
20 Other than that, if they were outside of their housing
21 units, then they would have been required to wear their
22 standard uniform.

23 Q. So they were allowed to switch into their
24 sweats if they were going to exercise?

25 A. Yes, like if they were going out to the gym

1 or go to the recreation area, they could wear their gym
2 attire to and from those locations.

3 Q. Where would the gym attire be kept when they
4 were not wearing it?

5 A. They would keep it inside their cell.

6 Q. So if someone got cold in the middle of the
7 night, could they put on their sweats in their cell?

8 A. Yes, ma'am.

9 Q. And then they would have to take it off when
10 they leave the cell if they were going to rec?

11 A. No, in the unit -- I was talking outside of
12 the unit. They could wear their sweats in the common
13 areas of their housing unit or pod, but if they were
14 going to be leaving out of their pod, then they would be
15 required to wear their full uniform, unless they're
16 going to gym.

17 Q. And what about religious attire? Is there
18 any religious attire that you can think of that is worn
19 outside of an individual cell?

20 A. I mean, I'm sure there is, but to say I know
21 the names of each of the religious attires, I can't say
22 that. But yes, there is religious attire that is worn
23 in the cell, out of the cell, in the day rooms and out
24 of the units entirely.

25 Q. If you don't know the names, that's okay.

1 I'm struggling with the names, too. Could you describe
2 for me what you're thinking of?

3 A. I know there's some head coverings that were
4 authorized or allowed to be worn. Again, I couldn't
5 tell you the specific names of them. But they wear,
6 like I said, religious jewelry that they had, whether it
7 had a cross on it or something along them lines. That's
8 really not a uniform. But outside of that is all I can
9 really recall.

10 Q. And do you recall a time when there was a
11 request to wear the sal -- no -- the keffiyeh? I am
12 going to say that correctly. The keffiyeh, the long-
13 sleeve Muslim dress?

14 A. Not that I can recall, no.

15 Q. And to your knowledge, would that have been
16 permitted at Trousdale?

17 A. Again, without seeing the item, I can't
18 answer that.

19 Q. And you know what, I apologize. It's not
20 called the keffiyeh, I am thinking just of the long-
21 sleeve dress. The keffiyeh is the headdress that is
22 kind of like a towel that is broad above and around.
23 Have you seen anyone wearing that at Trousdale?

24 A. I've seen some head coverings. Now, whether
25 it was that, I don't know. Because I don't know the

1 name until you just said it. So I am not going to say
2 that I didn't see that, but not that I can recall
3 specifically.

4 Q. Do you know if that would be permitted at
5 Trousdale?

6 A. Again, depending on what the material is, how
7 much of the facing -- if it covers their facial areas
8 that would create a security concern about positively
9 identifying a person moving from one location to another
10 location, then the answer to that is I don't know
11 without looking at it.

12 Q. If a request like that came in, where would
13 the response to that request be stored?

14 A. It should have come via an inmate request
15 form. The request form then would have been responded
16 back to. The detainee -- or I am sorry, the inmate, by
17 the chaplain or the assistant warden of programs. One
18 of the two typically would have been the ones that would
19 respond back to the inmate request. And that document
20 should be maintained in the inmate file.

21 Q. And is there a difference between filling out
22 an inmate request form and filling out a grievance?

23 A. Yes.

24 Q. What are the differences?

25 A. A request is just a general request that

1 would go to a designated staff member. A grievance
2 would actually go to the designated grievance
3 coordinator, who would then assign it a number and then
4 process it to ensure that it is reviewed, entered into
5 the TDOC system and then responded to within the certain
6 time frames.

7 Q. And who was the grievance coordinator at the
8 time that you were at Trousdale?

9 A. Oh, you're stretching my mind. I do not
10 recall.

11 Q. And the grievance coordinator, do you know if
12 that individual was the TDOC employee or a CoreCivic
13 employee?

14 A. It would have been a CoreCivic employee.

15 Q. And so when they receive a grievance, are
16 those grievances given in writing? I am assuming the
17 prisoner writes it out on paper?

18 A. Yes.

19 Q. Or is there an electronic grievance?

20 A. No, it's a written grievance by the inmate
21 and then a written response back by the designated
22 employee.

23 Q. Has there ever been a time where a grievance
24 has not gotten logged? It's gotten lost or slipped
25 through the cracks?

1 A. With administrative error, I'm sure there
2 was.

3 Q. Do you know anything about the provision of
4 traditional halal foods during Ramadan and the Eid
5 feast?

6 A. I'm aware of the feast. To say that I am
7 aware of the specific menu or items, no, ma'am.

8 Q. And during the time you were warden at
9 Trousedale, do you know if prisoners were provided halal
10 foods for the entire month of Ramadan?

11 A. We would have provided what the dietitian
12 approved as well as any religious requirements we would
13 have provided. But I don't know what the specifics
14 would have been if we did provide.

15 Q. Are the menus kept someplace?

16 A. The menus for the facility, yes.

17 Q. Where would be those be kept?

18 A. They would be at the facility, as well as our
19 corporate office. And with -- we contract with Trinity
20 Food Service, so Trinity would also have a copy.

21 Q. And when you say that would be between the
22 dietitian and any religious service, what do you mean?

23 A. If we are going to accommodate or if we're
24 going to provide a specific religious meal, then that
25 meal would then have to be vetted and verified -- or

1 vetted through the dietitian and approved to ensure that
2 it meets all of the caloric requirements.

3 Q. And then how does that process work if
4 somebody is requesting a particular meal?

5 A. Outside of what we provide?

6 Q. Yes, sir.

7 A. Again, we would evaluate to determine whether
8 or not we're required or obligated to provide that
9 specific. As you can imagine, inside of a correctional
10 facility, to honor every single menu request wouldn't be
11 feasible. But if we were going to amend the approved
12 menu, it would have to go through Trinity and then go
13 through any of our folks there at our corporate
14 headquarters, which we refer to as FSC, which is
15 facility support center. Our religious staff there
16 would have to evaluate the request as well.

17 Q. And so to your knowledge, were there requests
18 for halal food for the month of Ramadan while you were
19 at Trousdale?

20 A. Yes.

21 Q. And what happened to those requests?

22 A. They were processed just the way that I just
23 described. I do know there were some denials. What
24 those specific denials consisted of, I would have to go
25 back and look at the record.

1 Q. And you didn't review or familiarize yourself
2 with that prior to today's deposition?

3 A. No, ma'am.

4 Q. As we sit here today, do you know if halal
5 foods were permitted at Trousdale during Ramadan during
6 any time that you were there?

7 A. I do not, no.

8 Q. Do you know about the Eid feast?

9 A. What kind of feast?

10 Q. Eid, the end of Ramadan, there's a feast.
11 Does that ring a bell to you?

12 A. Yes, ma'am. I didn't realize it was called
13 that. So the end of Ramadan, I do know there is a
14 feast, yes.

15 Q. And do you know if Trousdale provided Eid
16 food for a feast at the end of Ramadan?

17 A. I believe we did have a feast. What that
18 fully consisted of, I can't recall.

19 Q. Would that be included within the menus and
20 information that you said that Trinity has?

21 A. Yes, whatever we provided, there would be
22 records as to what we provided, yes.

23 Q. And I'm sorry, I think you said Trinity would
24 have that information, but would somebody at Trousdale
25 also have that information?

1 A. The chaplain would have also any specific
2 menus that we provided for any specific religion.

3 Q. Give me just one second.

4 (Off the record.)

5 BY MS. HERZFELD:

6 Q. What do you know about, if anything, do you
7 know about Islamic prayer oil?

8 A. I've heard of Islamic prayer oil, but I don't
9 know anything further than that.

10 Q. Do you know if Islamic prayer oil was
11 permitted at Trousdale during the time you were the
12 warden?

13 A. I do not believe it was one of the approved
14 items, but I'm not a hundred percent.

15 Q. How does someone, to your knowledge, go about
16 purchasing something from union supply?

17 A. There is, I think -- I believe the family can
18 actually purchase, for like packages, and do it on their
19 end and send items. There's also, I believe, an order
20 form that they can complete and send in for items.

21 Q. Do you know if union supply is a government-
22 run company or if it's private?

23 A. I believe it's private, but that's a guess.

24 Q. Do you ever know if there was ever a request
25 to you -- do you have any recollection if there was a

1 request to you to have Islamic prayer oil blessed by an
2 imam brought into the facility?

3 A. Not that I can recall. But that doesn't mean
4 that there wasn't.

5 Q. And if there were records of a request like
6 that, where would those records exist?

7 A. Again, either in the inmate file, the
8 chaplain's office if there was an approval or denial. I
9 would say that's probably the two locations that I would
10 say that they should be.

11 Q. And you said before that there were approved
12 volunteers that could sometimes come in to assist with
13 religious services; is that right?

14 A. Yes, ma'am.

15 Q. Do you know if an organization called Men of
16 Valor were able to enter the Trousdale facility?

17 A. They were.

18 Q. What is Men of Valor to your knowledge?

19 A. It's a -- really a mentor type program that
20 really -- mentor to re-entry style type program. They
21 get inmates who sign up for the program. It's
22 nondenominational, so any person of religion or faith
23 can participate. And they teach them and provide them
24 with skills to better their opportunities as they
25 re-enter into society.

1 I do know they also have a program to where
2 they still connect with the person once they're released
3 to help them with employment or housing, securing
4 driver's license, social security cards, those types of
5 things that are important for a person to have. But
6 it's more about mentoring and a re-entry type program
7 more than anything else.

8 Q. Do you know if Men of Valor is Biblically
9 based?

10 A. I don't know whether they're actually based.
11 I don't know.

12 Q. Do you know if there is any reference to any
13 Christian text or prayers in the general meetings with
14 Men of Valor?

15 A. There could be. I've never actually
16 participated or went down when they had a session in
17 progress at the facility while I was there. And that
18 was the first facility that I encountered Men of Valor.
19 But there very well could be, I just -- I don't know.

20 Q. What about Kiros, do you know what Kiros is,
21 K-i-r-o-s?

22 A. No, ma'am.

23 Q. Do you know what outside groups are able to
24 donate food to inmates that are at Trousdale?

25 A. No outside food is allowed to come into the

1 facility unless it's been reviewed and approved. And I
2 can't think of a time. Minus like with graduations,
3 which would be store-bought type foods where facility
4 staff would pick those items up. Like a cake and those
5 kinds of things would be provided.

6 Q. And so to your knowledge, there have never
7 been outside meals that have been brought in or donated
8 by groups for Christmas or Easter, Thanksgiving,
9 anything like that?

10 A. No, not that I can think of, no.

11 Q. And if there was a record of that, where
12 would those records exist?

13 A. Again, if it was an authorized item to come
14 in for religious purposes, the chaplain would be my --
15 I'd point to the chaplain cap's area. I'm sorry, or the
16 other place might be education if it was for a
17 graduation.

18 Q. Can you think of any groups that are allowed
19 to donate books or materials into the prison?

20 A. Yeah, we allow donations of both religious
21 and nonreligious books into the facility, as long as
22 they're paperback, they didn't have anything that would
23 constitute of a security risk, anything of that nature.
24 So there is really no limitation on who, it's just the
25 type of items that they can donate.

1 Q. Where would be a list of people or groups
2 that were permitted to donate materials to the facility?

3 A. Again, that would come through the chaplain
4 or education. If it was just general library books, it
5 would be through education. If it was religious-based
6 materials, it would be through the chaplain.

7 Q. Do you know if there were any groups that
8 were permitted to donate Bibles to the facility?

9 A. There was. I don't know which group it was.
10 I do remember some Bibles being donated while I was
11 there.

12 Q. Do you know if Gideon's International donates
13 Bibles?

14 A. They could, I don't know.

15 Q. What about Korans, do you know of anyone
16 donating a Koran to the facility?

17 A. No, not off the top of my head, no.

18 Q. Do you know if anyone has ever tried?

19 A. I do not, no.

20 Q. Is the Koran considered a permitted text at
21 Trousdale?

22 A. As far as I know, yes.

23 Q. Has there ever been a time when the Koran has
24 not been permitted at Trousdale?

25 A. I don't believe so.

1 Q. If there was a record of that, where would I
2 find it?

3 A. Again, any restrictions would be, if it was
4 memorandum-based, it would be -- it would have been in
5 that memorandum book that was maintained by my secretary
6 or the quality assurance manager or in the chaplain
7 area.

8 Q. So to your knowledge, did you ever have a
9 memorandum banning the Koran from entering Trousdale?

10 A. I think there was originally and then we
11 identified that that was done in error and amended that.

12 Q. So when you say there was originally, what do
13 you mean?

14 A. I believe we had drafted a memorandum that
15 had specific items that were not authorized. And then
16 there was a discussion with Chaplain Shonebarger
17 following that that amended that memorandum. I don't
18 know what specific items we changed, but there was some
19 that were accidentally placed onto the memo originally
20 that should not have been placed on the memo.

21 Q. Do you have a copy of that memo?

22 A. I do not.

23 Q. Do you know where a copy of that memo would
24 exist?

25 A. Again, I think the memo should be in that

1 memo book.

2 Q. And who created the list of things that were
3 banned on that memo?

4 A. Honestly, I don't recall whether the chaplain
5 drafted that information, if it was an effort between my
6 assistant warden of programs and services. I don't
7 know.

8 Q. And what things were banned in that memo?

9 A. There was a list of items. I would have to
10 refer back to the memo.

11 Q. When you say accidentally put on there, what
12 do you mean by accidentally put on there?

13 A. It means that somebody placed it on -- an
14 item that was not necessary to restrict was put on there
15 and should not have been put on there.

16 Q. How did it come to your attention that
17 something was put on there that should not have been put
18 on there?

19 A. I believe in discussion with Chaplain
20 Shonebarger.

21 Q. So if Chaplain Shonebarger said this
22 shouldn't have been on there, you would think that
23 Chaplain Shonebarger wasn't the person who put the
24 particular item on the ban list in the memo; is that
25 right?

1 MR. WELBORN: Object to the form.

2 THE WITNESS: That's not to say that he
3 didn't make a mistake when he generated the list.

4 BY MS. HERZFELD:

5 Q. And so to your knowledge, was the Koran on
6 that list?

7 A. I believe it was.

8 Q. Do you know how the Koran accidentally ended
9 up getting banned from Trousdale?

10 A. I do not.

11 MR. WELBORN: Object to the form.

12 BY MS. HERZFELD:

13 Q. Is that one of the things that was fixed and
14 then allowed to come in later, the Koran?

15 A. I believe so, but I would have to compare the
16 two to say for certain. But I believe so, yes.

17 Q. Do you recall what the discussion was about
18 the banning of the Koran?

19 A. I do not.

20 Q. Were you involved in a meeting about the
21 banning of the Koran?

22 A. No.

23 Q. What about changing the memo to allow the
24 Koran back in?

25 A. It was a discussion between the chaplain and

1 I regarding the things that were accidentally placed on
2 the list, yes.

3 Q. Why don't you tell me everything you remember
4 about that conversation.

5 A. Just remembering the conversation that he
6 cited that there was a few -- there was at least one, if
7 not more than one item, that was placed onto the
8 memorandum that should not have been placed on the
9 memorandum.

10 Q. When did you have that meeting with the
11 chaplain?

12 A. I would have to refer back, I don't know.

13 Q. You would have to refer back to what?

14 A. The memo and then when the new memo was sent
15 out.

16 Q. And do you have a copy of the new memo?

17 A. I do not.

18 Q. Would that be in that memo book?

19 A. Yes, ma'am.

20 Q. And did you have one meeting with the
21 chaplain about the banning of the Koran and other items
22 or did you have more than one meeting?

23 MR. WELBORN: Object to the form.

24 THE WITNESS: One as far as I know.

25 BY MS. HERZFELD:

1 Q. Was there anyone else present at that
2 meeting?

3 A. If so, it would only have been my assistant
4 warden of programs.

5 Q. Was that an in-person or a telephonic
6 meeting?

7 A. I don't remember. It could have been over
8 the phone. I don't remember.

9 Q. Did you ever meet with anyone at TDOC about
10 the banned items on that list?

11 A. Contract monitor Brun, Chris Brun.

12 Q. What was your meeting with Chris Brun?

13 A. It would have been an evaluation of the memo
14 before it went out.

15 Q. And so Chris Brun would have looked at the
16 memo of the banned items before it went out?

17 A. Yes.

18 Q. And so is your understanding that Chris Brun
19 approved or denied that memo before it went out?

20 MR. AUMANN: Objection, form.

21 THE WITNESS: I don't know that he
22 necessarily had to approve, it was just more of an
23 information and communication portion.

24 BY MS. HERZFELD:

25 Q. And so that's -- I want to back up. And I'm

1 going to rephrase some of my questions because we have
2 two memos here that we're talking about. So let's talk
3 about the first memo. So when the memo went out that
4 was banning the Koran and other religious items, would
5 that have had to pass by Chris Brun, the contract
6 monitor, before it went out?

7 MR. WELBORN: Object to the form.

8 THE WITNESS: For information purposes, yes.

9 BY MS. HERZFELD:

10 Q. Did Chris Brun raise any objections at that
11 time or any concerns about the banning of the Koran or
12 other items on that list?

13 MR. WELBORN: Object to the form.

14 THE WITNESS: Not that I can recall.

15 BY MS. HERZFELD:

16 Q. How long was the memo in place that banned
17 the Koran and other religious items?

18 A. I do not know without looking at the two
19 memos.

20 Q. Do you know if it was a matter of days,
21 weeks, months, years?

22 A. I don't want to guess.

23 Q. And how was it brought to your attention that
24 there needed to be a change in the memo?

25 A. As previously stated, Chaplain Shonebarger

1 brought it forward.

2 Q. What did Chaplain Shonebarger say to you or
3 write to you about the need for the change?

4 A. I do not recall the specifics other than
5 there were some items on there that should not have been
6 placed on the original list.

7 Q. How many meetings did you have with Chaplain
8 Shonebarger about the change?

9 A. As previously stated, one that I can say for
10 sure.

11 Q. Was there a meeting with the chaplain when
12 the original memo went out banning the Koran and other
13 items?

14 MR. WELBORN: Object to the form.

15 THE WITNESS: I don't know if we had an
16 actual meeting or if it was just presented, the document
17 or the information.

18 BY MS. HERZFELD:

19 Q. And when you say presented, what do you mean
20 by that?

21 A. Whether it was sent to me electronically, if
22 the AW programs brought it forward, that I don't recall.

23 Q. Do you know who drafted the original memo
24 banning the Koran and other items?

25 MR. WELBORN: Object to the form.

1 THE WITNESS: I don't.

2 BY MS. HERZFELD:

3 Q. Who typically drafts memorandums at the
4 facility that have to do with items that are allowed or
5 not allowed?

6 A. It depends. If it's religious-based, it
7 would typically start with the chaplain and the AW
8 programs. If it's security based, it would start with
9 the chief of security or the assistant warden of
10 operations.

11 Q. And how could I find out who did the initial
12 drafting of that original memo?

13 A. I don't know that there would be a way if --
14 because I would sign the memorandum authorizing it. To
15 who specifically drafted it, I'm not sure that there is
16 a mechanism that is currently in place or was in place
17 at that time.

18 Q. So as we sit here today, you don't know who
19 drafted that memo banning the Koran and other religious
20 items?

21 MR. WELBORN: Object to the form.

22 THE WITNESS: What I can say is that I signed
23 it, but as far as whether the chaplain or whether the AW
24 programs or both, that I don't know.

25 BY MS. HERZFELD:

1 Q. And when you signed it, you read it before
2 you signed it, yes?

3 A. Yes.

4 Q. And so when you read it, did you have any
5 concerns about the banning of the Koran or religious
6 text?

7 MR. WELBORN: Object to the form.

8 THE WITNESS: Again, that's not my area of
9 expertise. We do lean on the chaplain to provide some
10 guidance there. I did not have any initial immediate
11 concerns, but when those concerns were brought forward
12 at a later date, we corrected that issue.

13 BY MS. HERZFELD:

14 Q. You have been in corrections your entire
15 career; is that right?

16 A. That's correct.

17 Q. And during that time, have you been trained
18 on the First Amendment by anyone?

19 A. In the corrections academy.

20 Q. In the corrections academy, did they talk to
21 you about the freedom of religion?

22 A. Yes.

23 Q. And did they talk to you about making sure
24 that one religion is not favored over another?

25 A. Yes.

1 Q. And did they talk to you about what the
2 particular religious texts are for particular religions,
3 the Bible for Christianity, for example?

4 A. No.

5 Q. Did you know that the Koran is the primary
6 text for Muslims?

7 A. I do now.

8 Q. At the time, were you aware what the Koran
9 was?

10 A. Not in specifics, no.

11 Q. Had you heard of the Koran at the time that
12 this memo that you signed banning the Koran from the
13 facility, did you know what the Koran was at that time?

14 MR. WELBORN: Object to the form.

15 THE WITNESS: No.

16 BY MS. HERZFELD:

17 Q. Did you ask anyone, hey, what is a Koran?

18 A. I did not.

19 Q. Do you recall what year that policy was in
20 place?

21 MR. WELBORN: Object to the form.

22 THE WITNESS: No.

23 BY MS. HERZFELD:

24 Q. Okay, and you were chaplain -- sorry, you
25 were warden at Trousdale for which years?

1 A. 2017 -- or May 2017 through March 2020.

2 Q. How long was the Koran banned at Trousdale?

3 MR. WELBORN: Object to the form.

4 THE WITNESS: As previously stated, I'm not
5 sure.

6 BY MS. HERZFELD:

7 Q. How did you learn what the Koran was?

8 A. Through the chaplain.

9 Q. Through the chaplain when?

10 A. I'm assuming when we had -- again, from
11 memory, the discussion we had when it was mistakenly
12 added versus when it needed be removed.

13 Q. Before that time -- I just want to make sure
14 I understood your position. Before that time, you had
15 never heard of the Koran?

16 A. I did not say that.

17 Q. Oh, okay. So before that time, had you heard
18 of the Koran?

19 A. I had heard of the Koran, yes.

20 Q. And where is it that you had heard about the
21 Koran?

22 A. I'd heard about -- I'd heard the Koran.
23 Specifically what the Koran was, it wasn't until that
24 discussion with the chaplain.

25 Q. But you had heard about the Koran in what

1 context?

2 A. Honestly, I just heard the Koran used
3 throughout my career. Specifically what the Koran was,
4 I did not ever have a need to know specifically what
5 that was.

6 Q. Did you know that the Koran was associated
7 with Muslims?

8 A. No, not specifically.

9 Q. So I just want to make sure I understand
10 this. So you spent your entire career working in jails
11 and prisons; is that right?

12 A. Yes.

13 Q. And during that time, you have been
14 responsible for working around people, prisoners of a
15 variety of religions; is that right?

16 A. Yes.

17 Q. And those religions include Christians, yes?

18 A. Yes.

19 Q. And you know that the Bible is the primary
20 text for Christians?

21 A. Yes.

22 Q. How do you know that?

23 A. I don't know how, I just know it. I mean, I
24 am personally not a man of faith myself. I don't go to
25 church. I just heard about it through T.V. I heard

1 about it through various outlets.

2 Q. And during that time, you've been responsible
3 for overseeing or housing prisoners of the Muslim faith
4 throughout your career; is that right?

5 A. Yes, ma'am.

6 Q. And during that time, you didn't realize that
7 the Koran had anything to do with the Muslim faith?

8 A. Again, I knew it was connected to the faith,
9 but to what specific connection it was, I did not know
10 that.

11 Q. Okay, so I guess I misunderstood you before.
12 So prior to the conversation with the chaplain, you did
13 have an understanding that the Koran had a linking to
14 the Muslim faith, yes?

15 A. Yes.

16 Q. Does the chaplain report to you?

17 A. No.

18 Q. Who does the chaplain report to?

19 A. The assistant warden of programs.

20 Q. And the assistant warden of programs, does
21 that individual report to you?

22 A. Yes.

23 Q. So ultimately, you are the boss of the
24 chaplain?

25 A. Through the supervision of the assistant

1 warden, yes.

2 Q. Buck stops with you?

3 A. Yes.

4 Q. And that's why you would be the one that
5 signs the memorandums. Those go out under your
6 signature because you're the big boss.

7 A. I am the warden, yes.

8 Q. Did you ever discuss the Islamic faith with
9 Chaplain Shonebarger?

10 A. I'm sure we did. To specifics of those
11 conversations, I don't know.

12 Q. How often would you say you had conversations
13 with Chaplain Shonebarger about the Islamic faith?

14 A. Various. I wouldn't want to guess how many
15 times over the two-and-a-half years.

16 Q. More than 12?

17 A. Again, if you want to put a number to it,
18 it's just guessing.

19 Q. That's all right, guessing is fine.

20 A. Okay. So yeah, I would say more than 12.

21 Q. More than 50?

22 A. No.

23 Q. Did Chaplain Shonebarger ever express a
24 personal opinion to you about the Islamic faith?

25 A. No.

1 Q. Did you and Chaplain Shonebarger ever discuss
2 his views on individuals who were not Christian?

3 A. No.

4 Q. Do you know what Chaplain Shonebarger's
5 religion is?

6 A. I do not.

7 Q. Did Chaplain Shonebarger ever encourage
8 inmates to become Christians?

9 A. Not that I am aware of.

10 Q. Would that have been appropriate if he had?

11 A. No.

12 Q. Why not?

13 A. Again, it's -- he has to have the unbiased,
14 you know, approach to all religions and be supportive,
15 whether he agrees or disagrees with the practice. If
16 it's an approved, recognized religion, he is in a
17 position that he has to facilitate.

18 Q. Have you ever had to discipline or do you
19 know if Chaplain Shonebarger was ever disciplined at the
20 time that you were at Trousdale?

21 A. I'm not sure. I think he might have been
22 disciplined, but I am not positive.

23 Q. When you are thinking he might have been
24 disciplined, do you know what that was for?

25 A. I don't. I would have to go back and look at

1 his record.

2 Q. And where would you find that? What record
3 would you look at?

4 A. His employee file.

5 Q. Let's talk about corrective action short of
6 discipline. Has there ever been any time that you know
7 of Chaplain Shonebarger having some sort of corrective
8 action taken in the way he did his job?

9 A. Can you clarify when you say -- are you
10 talking about informal?

11 Q. Yes, sir.

12 A. I'm sure there was. Between the assistant
13 warden and himself, I am sure there was.

14 Q. Do you know of any time in specifics?

15 A. I don't.

16 Q. Would any of that be in writing anywhere?

17 A. Not if it was an informal, no.

18 Q. Who would have the information?

19 A. Informal would be the assistant warden of
20 programs at that time.

21 Q. Did Chaplain Shonebarger ever express to you
22 that he wanted to convert inmates to Christianity?

23 A. No.

24 Q. Does Trousdale have Bible study classes?

25 A. I believe they did, yes.

1 Q. Do you know if Chaplain Shonebarger
2 participated in that Bible study?

3 A. I don't know if he personally participated or
4 if he just coordinated the program or the service. He
5 very well could have. I don't know.

6 Q. Would it be have been appropriate for
7 Chaplain Shonebarger to participate in Bible study with
8 the prisoners?

9 A. There would be nothing that I am aware of
10 that would preclude him from doing so.

11 Q. No policy or memo?

12 A. Correct.

13 Q. Do you think it would be appropriate to have
14 him participating in Bible study with prisoners?

15 A. I don't see anything that it would violate,
16 no.

17 Q. But you said before it was supposed to be
18 nondenominational, his position; is that right?

19 A. Doesn't mean he can't practice his faith, it
20 just means that he can't persuade others or degrade
21 others or belittle others in recognizing and practicing
22 their faith or be obstructive in giving them the
23 opportunity to practice their faith, as long as it's
24 within the guidelines of the policy.

25 Q. And so do you know anything about the

1 Christian faith that would require Bible study at
2 particular times or days during the week?

3 A. I do not.

4 Q. And so he was on the job when he was at the
5 facility; is that right?

6 A. That's correct.

7 Q. Was he ever at the facility when he was not
8 there for work?

9 A. Should not have been, no.

10 Q. And so if he was participating in Bible study
11 with prisoners at the facility, he would have been on
12 the clock as in getting paid as an employee at the time
13 that he was participating in Bible study with the
14 prisoners; is that correct, sir?

15 A. Yes.

16 Q. Do you know if Chaplain Shonebarger
17 participated in any other religious services?

18 A. I do not, no.

19 Q. Do you know if Chaplain Shonebarger
20 participated in any services with Muslims?

21 A. I do not, no.

22 Q. Do you know if Chaplain Shonebarger
23 participated in any religious services that were
24 non-Christian?

25 A. I do not, no.

1 Q. Did Chaplain Shonebarger have any religious
2 iconography or messaging in his office at Trousdale?

3 A. There were some posters, I think, in his
4 office, but I am not sure exactly what the posters read.

5 Q. Were they Christian in nature?

6 A. I don't recall whether they were
7 motivational, whether they were religious-based. I
8 don't recall.

9 Q. Do prisoners ever come into the office of the
10 chaplain?

11 A. Yes.

12 Q. In what circumstance would they be in his
13 office?

14 A. If they asked to see him, if they asked to
15 talk with him about anything or if he needed to talk to
16 them. You know, if they generated a request and he was
17 following up on their request with them personally.
18 Those are just some reasons that I would think of.

19 Q. And we call him Chaplain Shonebarger, but is
20 that -- is that an official title within Trousdale that
21 someone is the chaplain, or is that a title that was
22 given to him by a church or religion, do you know?

23 A. No, it's an actual position on our staffing
24 pattern, chaplain.

25 Q. And do you know if he's ordained in any way?

1 A. I do not, no.

2 Q. Do you know if he attends a church?

3 A. I believe he does, but I am not certain.

4 Q. Would it be in his file if he had been
5 ordained in some way?

6 A. Yeah, if he had any specific licensures or
7 certifications, I would think it would be in his human
8 resource file, his personnel file. Either there or in
9 his training file, sorry.

10 Q. Did Chaplain Shonebarger ever quote religious
11 messaging to Muslim inmates at Trousdale?

12 A. Not that I am aware of.

13 Q. If he did, do you feel like that would be
14 appropriate for his job?

15 A. No.

16 Q. Did Chaplain Shonebarger ever question the
17 tenets of the Islamic faith that you know of?

18 A. I am not sure I understand the question.

19 Q. When you said before you'd had conversations
20 or at least one conversation with Chaplain Shonebarger
21 about the Muslim faith; is that right?

22 A. That's correct.

23 Q. And during that time, did he ever question
24 any, you know, tenet or practice of the Muslim faith?

25 A. Not that I can recall, no.

1 Q. Did he ever say something like, oh, I don't
2 think that's necessary or this seems silly or that is
3 not required?

4 A. Not that I can recall, no.

5 Q. Did you ever see Chaplain Shonebarger behave
6 inappropriately with Muslim inmates at Trousdale?

7 A. No.

8 Q. Did you ever receive any complaints from
9 Muslim inmates at Trousdale about Chaplain Shonebarger?

10 A. I think there were some grievances, but I
11 don't remember the specific details of the grievance or
12 the nature of the grievance. But I do recall there may
13 have been some grievances filed by one or two of the
14 Muslims concerning Chaplain Shonebarger. But I'd have
15 to go back to the grievance to see specific details.

16 Q. And where could we find those grievances?

17 A. It would be at the facility through the
18 grievance office.

19 Q. And you don't recall what the substance was
20 at all about what the Muslim inmates were grieving about
21 Chaplain Shonebarger?

22 A. I -- and again, I don't even recall if they
23 were specific to Chaplain Shonebarger or if they were to
24 Shonebarger in regards to them making the statement that
25 they weren't getting specific meals or specific access.

1 I don't know. I do know that the Muslims had filed a
2 grievance. Again, whether it was specifically on
3 Chaplain Shonebarger, I don't recall.

4 Q. Do you know how those grievances were
5 resolved?

6 A. I don't, without reviewing them.

7 Q. Did anyone at Trousdale ever comment on the
8 rate at which Islam is growing in the prisons?

9 A. No.

10 Q. Did you ever hear anyone talk about the fact
11 that, you know, the Muslim population is growing?

12 A. No.

13 Q. Did the Muslim population, in fact, grow
14 during the time that you were at Trousdale?

15 A. I don't know. It could have decreased for
16 all I -- no, I don't know.

17 Q. Did you ever hear anyone express any security
18 concerns about the Muslims at Trousdale?

19 A. No, not that I can recall, no.

20 Q. Did anyone at Trousdale ever suggest that
21 inmates should be discouraged from joining the Islamic
22 faith?

23 A. Not that I am aware of.

24 Q. Did you ever hear any Trousdale employee ever
25 refer to Islam as being a dangerous religion?

1 A. No.

2 Q. You didn't hear anybody ever talk about
3 Muslims being dangerous?

4 A. Not that I recall, no.

5 Q. Did you ever hear any Trousdale employees
6 commenting on the validity of the Islamic faith?

7 A. No.

8 Q. Do you know of any Trousdale employee ever
9 encouraging Muslim inmates at Trousdale to convert to
10 Christianity or to learn more about Christianity?

11 A. None that I am aware of, no.

12 Q. Would that have been appropriate if Trousdale
13 employees were doing that?

14 A. No.

15 Q. And I'm sorry, I think I might have asked you
16 this question, but do you know of any Trousdale employee
17 who tried to convert to Christianity any Muslim
18 prisoner?

19 A. No.

20 Q. Are you aware of any situation in Trousdale
21 that you believe had Muslims being treated unfairly by
22 any CoreCivic employees?

23 A. None that I am aware of, no.

24 Q. Do you think it was fair to ban the Koran?

25 MR. WELBORN: Object to the form.

1 THE WITNESS: No, ma'am; otherwise, I
2 wouldn't have changed it.

3 BY MS. HERZFELD:

4 Q. So it was not appropriate to ban the Koran;
5 is that right?

6 MR. WELBORN: Object to the form.

7 THE WITNESS: That's correct, and that's why
8 we made that revision.

9 BY MS. HERZFELD:

10 Q. And during that time when the Koran was
11 banned, that would have denied a religious text to
12 Muslim inmates; is that right?

13 A. It could have, yes.

14 MR. WELBORN: Object to the form. You know
15 that's not true.

16 MS. HERZFELD: I'm sorry, I didn't hear you.

17 MR. WELBORN: I said you know that's not
18 true.

19 MS. HERZFELD: I'm sorry, are you speaking to
20 me?

21 MR. WELBORN: You know the banning of the
22 Koran is not true. That's the basis of my objection.

23 MS. HERZFELD: Mr. Welborn, was that a
24 speaking objection?

25 MR. WELBORN: I told you the basis of my

1 objection.

2 MS. HERZFELD: Right, and I think that you
3 know that speaking objections in this jurisdiction are
4 inappropriate so I would ask you to refrain in the
5 future and let the witness answer the question, please.

6 MR. WELBORN: Misleading questions are
7 inappropriate as well.

8 MS. HERZFELD: Well, you may object if you
9 believe my question is inappropriate, but I will
10 continue questioning this witness.

11 MR. WELBORN: I did. I did object.

12 MS. HERZFELD: Great.

13 BY MS. HERZFELD:

14 Q. Did you ever reprimand or discipline a
15 Trousdale employee because that employee discriminated
16 against a Muslim inmate on the basis of their religion?

17 A. Not that I can recall, no.

18 Q. If there were records of that, where would
19 that be?

20 A. Human resource department.

21 Q. And where specifically within the human
22 resources department?

23 A. Within our electronic disciplinary system.

24 Q. Is there a way to search by like text, by
25 word?

1 A. I'm not familiar that that system has that
2 capability, but I don't know that it doesn't.

3 Q. Did Trousdale ever receive any kind of
4 directive or order from anyone at CoreCivic headquarters
5 concerning Muslim inmates or the Islamic faith?

6 A. Not that I can recall, no.

7 Q. Did you ever discuss Muslim inmates or the
8 Islamic faith with anyone at CoreCivic headquarters?

9 A. Not that I can recall.

10 Q. Do you have any personal views on Muslim
11 inmates?

12 A. I do not.

13 Q. Just one second, please. Warden Washburn, do
14 you believe that Muslims are dangerous?

15 A. I do not.

16 Q. Do you believe that Muslims are a security
17 threat?

18 A. I do not.

19 Q. Do you believe that Muslims are terrorists?

20 A. I do not.

21 Q. Do you have a Facebook page, sir?

22 A. That's on my screen?

23 Q. I'm asking if you have a Facebook account?

24 A. Oh, I do not.

25 Q. Do you have a Twitter account?

1 A. I do not.

2 Q. So JT Shonebarger, is that you or that is not
3 you?

4 A. I am not Shonebarger.

5 Q. Oh, you're right, you're not Shonebarger.
6 Okay, and Shonebarger, does he have a Twitter account?

7 A. I do not know.

8 Q. When you look in this picture here, it says
9 at JT Shonebarger. Do you see it on the right?

10 A. I do.

11 Q. Okay, and do you see that picture of the
12 individual there?

13 A. I do.

14 Q. Do you recognize that individual?

15 A. I do.

16 Q. Who is that individual?

17 A. That is Mr. Shonebarger.

18 Q. And looking at this image here that is on his
19 Twitter account, could you read it for me, please.

20 MR. WELBORN: Object to the form.

21 THE WITNESS: When the twin towers were
22 attacked by -- attacked, the left told us not to judge
23 all Muslims by the actions of a few. It's kind of hard
24 to read that. So why are they judging all cops for the
25 actions of a few?

1 BY MS. HERZFELD:

2 Q. And so is he referencing Muslims here in the
3 twin towers in 9/11?

4 MR. WELBORN: Object to the form.

5 THE WITNESS: I can't speculate as what he is
6 referencing.

7 BY MS. HERZFELD:

8 Q. Okay, but do you see a reference to the twin
9 towers and Muslims here in this tweet?

10 MR. WELBORN: Object to the form.

11 THE WITNESS: I do, yes.

12 BY MS. HERZFELD:

13 Q. Do you think that's appropriate for the
14 nondenominational chaplain at Trousdale to be tweeting
15 things about Muslims and 9/11?

16 MR. WELBORN: Object to the form.

17 THE WITNESS: Is this his tweet? Or I don't
18 know anything about social media, so I don't know.

19 BY MS. HERZFELD:

20 Q. Okay, so why don't I just ask you in a
21 different way. Would it be appropriate for the chaplain
22 at a facility where you are the warden to be discussing
23 publicly Muslims and 9/11?

24 MR. WELBORN: Object to the form.

25 BY MS. HERZFELD:

1 Q. Did you answer?

2 A. I'm sorry, yes. I said no.

3 Q. Okay, so let me ask again because I think it
4 got kind of all jumbled up with pausing and objections.
5 In your opinion, as a warden, would it be appropriate
6 for the nondenominational chaplain to be discussing
7 Muslims and 9/11 publicly?

8 MR. WELBORN: Object to the form.

9 THE WITNESS: No.

10 MS. HERZFELD: Thank you very much. Okay, if
11 we can take another break. I need a comfort break,
12 unfortunately, but if you'll give me, I'd say about 10
13 minutes, I think that's probably a good stopping space.

14 (Recess observed.)

15 BY MS. HERZFELD:

16 Q. Okay, we're back on the record after a short
17 break. I think we had spoken before about during a
18 break, you were going to try to figure out the name of
19 the case that you testified in a couple weeks ago. Did
20 you have an opportunity to do that?

21 A. Yes, it's Mr. Gennoe, G-e-n-n-o-e.

22 Q. Do you have a first name?

23 A. I think it's Ricky, but I am not a hundred
24 percent on that.

25 Q. And do you know if the case was filed in

1 federal court?

2 A. I do not, no.

3 Q. Thank you for getting that information, I
4 appreciate it. You have been with CoreCivic your entire
5 career; is that right?

6 A. Yes.

7 Q. During that time, have you learned that there
8 are certain standards that CoreCivic must adhere to
9 according to their contracts?

10 A. Yes.

11 Q. And were there certain standards that
12 CoreCivic had to adhere to at Trousdale?

13 A. Yes.

14 Q. Are those standards specified in the
15 contract?

16 A. Yes.

17 Q. And is that the purpose of the contract
18 monitor, to make sure that those standards are being
19 adhered to at the facility in practice?

20 A. Yes, as previously stated.

21 Q. Do you know what an operations plan is?

22 A. In what context?

23 Q. In the context of the contract.

24 A. I'm not sure I understand what the -- what
25 you're calling operation plan.

1 Q. So have you had an opportunity to review the
2 contract between CoreCivic and Trousdale?

3 A. Yes.

4 Q. Would you say you're pretty familiar with it?

5 A. As best as I can be after a year later and
6 reviewing other contracts in between, yes.

7 Q. I'm going to just ask you a series of
8 questions about terminology, I think that may be in the
9 corrections world. Do you know what a staffing pattern
10 is?

11 A. Yes.

12 Q. What is the staffing pattern?

13 A. Staffing pattern is the designated position,
14 number of positions and shifts on which those positions
15 will cover.

16 Q. Was there a staffing pattern in place for
17 Trousdale?

18 A. Yes.

19 Q. Is that something that is specified by
20 contract?

21 A. Yes.

22 Q. Does it change at all or is it stagnant?

23 A. The contract -- there's two. There's a
24 contract staffing pattern and then there's what is known
25 as a budget staffing pattern. So the contract staffing

1 pattern cannot change and does not change without the
2 customer, in this case, Tennessee Department of
3 Corrections, evaluating and approving.

4 Q. And what is a budget staffing pattern?

5 A. Budget staffing pattern is a -- is what we
6 actually are funded for, which is routinely higher than
7 the actual contracted staffing pattern.

8 Q. During the time that you were the warden at
9 Trousdale, was your budget staffing pattern always
10 higher than the contract pattern?

11 A. No.

12 Q. When was it not?

13 A. Can you -- so I can make sure I understand
14 the question, can you tell me specifically what you're
15 asking?

16 Q. Sure. You had said, if I understood your
17 testimony before, that there was a contract staffing
18 pattern that was in the contract between Trousdale and
19 CoreCivic; is that right?

20 A. Yes.

21 Q. And then there was also a budget staffing
22 pattern, which is something that was done by CoreCivic;
23 is that right?

24 A. Well, both are done by CoreCivic. One is
25 approved and mandated by contract, the other is not

1 because it actually exceeds the contract requirements.

2 Q. Okay, and so my question was during the time
3 that you were warden at Trousdale, was there any time
4 that the budget staffing pattern did not exceed the
5 contract staffing pattern?

6 A. No.

7 Q. So the entire time that you were warden of
8 Trousdale, the budget staffing pattern always exceeded
9 the contract staffing pattern; is that right?

10 A. That's correct.

11 Q. And when you say exceeded, exceeded by how
12 much?

13 A. I would have to go back and compare the two
14 as far as the total numbers. But again, it was higher
15 than the contracted numbers.

16 Q. When you say higher, do you mean higher by
17 one person on one shift, or what do you mean by higher?

18 A. It could be that, higher all the way across
19 the board, total number of staff that's allocated for
20 the facility. Total number of -- example would be the
21 contracted assistant wardens was two and we had four.

22 Q. And the contract staffing pattern, that would
23 be included within the contract specifically?

24 A. Yes, the contract staffing pattern, yes.

25 Q. And what about the budget staffing pattern,

1 where would I find that?

2 A. It would be through our corporate office and
3 at the facility.

4 Q. And at the facility, okay. And who kept that
5 information at the facility?

6 A. Human resource department.

7 Q. And if I were looking for it, that's what I
8 would ask for, the budget staffing pattern?

9 A. Yes.

10 Q. And is it kept by year or by month, or do you
11 know?

12 A. I mean, it's kept until revised. So I mean,
13 if it was revised three times in a year, then obviously
14 the most current would be there at the facility.

15 Q. And when you say it's a budget staffing
16 pattern, that's what's set by CoreCivic and how many
17 people they plan on providing to that facility; is that
18 right?

19 A. That's correct. That's what we're funded to
20 hire to, yes, ma'am.

21 Q. Was there ever a time when you were warden at
22 Trousdale that all of those positions that were
23 contained within the budget staffing pattern weren't
24 filled?

25 A. Which staffing pattern are you asking to?

1 Q. The budget staffing pattern.

2 A. Budget, yes. There was a time that they were
3 not fully hired.

4 Q. And when was that time period?

5 A. I don't know that we were fully staffed the
6 entire time that I was there.

7 Q. And when you say not fully staffed, do you
8 know how many positions you were deficient from the
9 budget staffing pattern to what was actually filled?

10 A. It varies from month to month, or really day
11 to day.

12 Q. Was it a significant deficit to your mind?

13 A. Again, I don't know my significant to your
14 significant, but the variance is different. So if you
15 can maybe -- are you looking for a specific number? I
16 mean, because I can't -- what is significant, that's up
17 for interpretation.

18 Q. You know what, I'll ask a different question.
19 Did you ever feel that Trousdale was understaffed?

20 A. With full-time staff, we struggled. But we
21 did have staff come from other facilities that were put
22 into our staffing pattern to augment those vacancies.

23 Q. When you say you struggled, what do you mean?

24 A. It means that to recruit and retain staff at
25 Trousdale Turner -- not unique to Trousdale Turner, I

1 should state. You know, to find full-time applicants to
2 take the spots, you know, we were challenged.

3 Q. And when you say you were challenged, what do
4 you mean by that?

5 A. By securing applicants and getting applicants
6 to clear all of the requirements in order to fully hire
7 them as full-time employees at Trousdale Turner.

8 Q. And for the time that you were the warden at
9 Trousdale Turner, was there ever a period of time where
10 the staffing was less than what was required under the
11 contract staffing pattern?

12 A. Yes.

13 Q. When was that?

14 A. It was various times throughout my tenure.
15 Actually, I believe it was in one of the CDRs or a
16 couple -- it was on the contract deficiency reports. I
17 would have to refer back to those for the frequency.

18 Q. And did you ever have any conversations with
19 anyone at CoreCivic about the lack of staff at
20 Trousdale?

21 A. Yes, it's what resulted in the additional
22 staff from the other facilities coming to provide that
23 assistance to Trousdale.

24 Q. And who did you have those conversations with
25 at CoreCivic?

1 A. It would have been with my managing director
2 at the time.

3 Q. And who was your managing director at the
4 time?

5 A. My first one was Jason Medlin, and then the
6 second was Stacey Stone.

7 Q. How many conversations would you say you had
8 with them?

9 A. I can't guess a number.

10 Q. More than a dozen?

11 A. Yes.

12 Q. Okay, more than 50?

13 A. Maybe.

14 Q. Was there ever any communications in writing
15 between you and anyone at CoreCivic about the lack of
16 staffing at Trousdale?

17 MR. WELBORN: Object to the form.

18 THE WITNESS: I'm sure there was. You know,
19 to recall from memory, I don't know.

20 BY MS. HERZFELD:

21 Q. Do you use e-mail?

22 A. Yes.

23 Q. Did you ever send e-mails to anyone at
24 CoreCivic about the lack of staffing to your knowledge?

25 MR. WELBORN: Object to the form.

1 THE WITNESS: It would have been to one of
2 those two if I -- I'm sure I did.

3 BY MS. HERZFELD:

4 Q. Did you ever have any meetings at CoreCivic
5 headquarters about staffing at Trousdale?

6 A. Not that I personally physically went to, I
7 don't recall -- I don't believe so.

8 Q. What about via Zoom?

9 A. No. I just learned how to use Zoom.

10 Q. We've all just had to learn how to use Zoom.
11 What about telephone calls with higher ups at CoreCivic
12 about staffing?

13 A. Yes, I'm sure I've had conversations. Like I
14 said, Stacey Stone -- most of my communications with
15 Stacey Stone and Jason Medlin would have been by either
16 e-mail or by phone, because they didn't stay at the
17 facility.

18 Q. And you were warden for roughly three years;
19 is that right?

20 A. Just shy of, yes.

21 Q. And during that time, were you communicating
22 with folks at CoreCivic throughout your tenure about the
23 lack of staffing at Trousdale?

24 A. As previously stated, yes.

25 Q. Did it ever get any better?

1 A. Yes.

2 Q. And when did it get better?

3 A. I think the time period, and again, I'm
4 drawing from memory here, around January of 2019 to
5 around August of the same year.

6 Q. Okay --

7 A. And again, that's going from memory. So I
8 believe that's the date range.

9 Q. What changed during that period of time that
10 made it get better?

11 A. What specific, I can't tell you specifics as
12 to what changed, you know, whether it was just an
13 increase in applicants or whether there was a downward
14 turn in the unemployment rate or upward tic -- downward
15 turn in the unemployment rate. I don't know. I do know
16 Tennessee had one of the lowest unemployment rates. So
17 that made finding jobs a little hard during a period of
18 time. So to say that I know what specifically caused
19 the staffing levels to go up at that period of time
20 versus others, I don't know. I mean, there's probably a
21 conglomerate of things.

22 Q. But you felt like the staffing levels went
23 back down sometime after around August of 2019; is that
24 right?

25 A. Yes.

1 Q. What did you do in response to that, if
2 anything?

3 A. Again, we solicited and resecured support
4 from the other CoreCivic facilities from around the
5 country. We increased our recruitment efforts. We
6 partnered with specific groups. And we went through
7 Indeed hiring processes. I forget the name of the
8 outfit that we partnered with where they went out and
9 solicited people, men and women who were getting out of
10 the military to try to get them to join into
11 corrections. We had several off-site meetings with
12 those individuals where we did live interviews and
13 processes of that nature to increase the total number of
14 staff that we had at Trousdale.

15 Q. During the time that you were working at
16 Trousdale, was there ever a time that Trousdale had
17 sufficient staff to meet the contract staffing pattern?

18 A. Yes.

19 Q. When was that?

20 A. I would say pretty much throughout my entire
21 tenure we had staff there. Now, again, we had staff
22 from other facilities that were there assisting who
23 were, in fact, full-time employees at Trousdale at that
24 period of time.

25 Q. So I want to make sure I understand it. So

1 you had enough staff to meet the contract staffing
2 pattern the entire time you were at Trousdale, or you
3 did not?

4 A. I didn't say that. I said there was periods
5 of time that we did have and we did not meet. But I
6 will tell you, again, understanding there is a
7 difference, when I say inadequate staffing, I am talking
8 about the full-time staff who were hired and permanently
9 staying at Trousdale Turner.

10 CoreCivic took steps to ensure the safety of
11 the staff, the inmates and the community by bringing in
12 resources from other areas and other correctional
13 facilities within our organization to augment for those
14 vacancies. So short full-time staff at Trousdale, but
15 as far as delivering the service, we've gone through
16 other means.

17 Q. Okay, so I think I'm starting to understand
18 you, so I want to make sure that I do. Okay, so during
19 the entire time that you were warden at Trousdale, did
20 you have full-time staff that were in compliance with
21 the contract staffing pattern?

22 A. Yes, minus the times we received contract
23 deficiency reports.

24 Q. And when you received those contract
25 deficiency reports, then that's going to speak for

1 itself; is that right?

2 A. Yes, ma'am.

3 Q. And then during other times, you may not have
4 had full-time staff to meet the contract staffing
5 pattern at Trousdale, but you did have some times where
6 that was augmented by other CoreCivic employees from
7 other facilities who were brought in to assist. Did I
8 understand that correctly?

9 A. Yes, ma'am, you did.

10 Q. Was there ever a time that without full
11 staff, including all of the full -- I am going to back
12 up and start that question again. Was there ever a time
13 throughout your time as warden at Trousdale that, either
14 utilizing full-time staff at Trousdale and/or utilizing
15 the folks that are being brought in from other CoreCivic
16 facilities, that you still did not have enough staff
17 present to meet the requirements of the contract
18 staffing pattern?

19 A. Yes, as previously stated, that's when we
20 would have received the contract deficiency reports.

21 Q. Okay, and those contract deficiency reports
22 are written by whom?

23 A. By TDOC.

24 Q. Is that facilitated through the contract
25 monitor?

1 A. I believe they start there, yes, ma'am.

2 Q. Is an operations plan for Trousdale?

3 A. Again, I would -- you're going to give me
4 specifications as to what you're referring to as an
5 operations plan?

6 Q. Written job descriptions for each position in
7 the staffing pattern. Job title, responsibility,
8 requirement minimum experience and education.

9 A. Yes, ma'am.

10 Q. And where is that plan located?

11 A. That would be the human resource department
12 would have all job descriptions and qualifications.

13 Q. Do you know how often Trousdale's operations
14 plan has been modified?

15 A. I don't.

16 Q. Were you ever involved in the modification of
17 Trousdale's operation plan?

18 A. If you're specifically referring to job
19 description and qualifications, no, not that I can
20 recall.

21 Q. Does the warden at Trousdale, is that a
22 bonus-eligible position?

23 A. It is.

24 Q. How would one receive a bonus for being the
25 warden at Trousdale?

1 A. There are specific parameters or specific
2 goals that are established for each facility. And if
3 you're able to achieve those specific goals, then
4 there's a certain percentage for achieving the goals.

5 Q. And are those goals written down someplace?

6 A. Yes.

7 Q. Okay, where are they written down?

8 A. They are at the facility support center, our
9 corporate office.

10 Q. At the corporate office?

11 A. Yes, ma'am.

12 Q. Did you ever receive a bonus while you were
13 warden at Trousdale?

14 A. I did.

15 Q. And what years did you receive a bonus?

16 A. Each year that I was there, I believe.

17 Q. How much was your bonus?

18 A. I would have to go back and look.

19 Q. Do you have an estimate? Was it a thousand,
20 ten thousand, a hundred thousand?

21 A. I wish it was a hundred thousand. Less than
22 ten. But again, I'd be guessing. I would have to go
23 back and look to give you an accurate response.

24 Q. Do you know what your bonus was for, what
25 performance you hit or exceeded to receive a bonus?

1 A. At Trousdale, I'm not sure that we met --
2 there's typically three goals that are established in
3 order for the bonus. I am not sure at Trousdale if we
4 ever met any one of the bonus goals. So any of the
5 bonus that we would have received would have qualified
6 under what they call discretionary. But I don't believe
7 we met any of the goals during that period of time.

8 Q. And where could I find written information
9 about those bonuses for you while you were at Trousdale?

10 A. It would be through our corporate office, the
11 HR department.

12 Q. And every year when you were a given a bonus,
13 was there an evaluation that was done at that time?

14 A. You're talk -- a performance evaluation
15 specific for me?

16 Q. Yes, sir.

17 A. There was a performance evaluation. I don't
18 think it was right at that time. Ours are always done
19 typically in January.

20 Q. Did you receive a performance evaluation
21 every year that you were at Trousdale?

22 A. Yes.

23 Q. And what were the results of your performance
24 evaluations?

25 A. I am trying to think if I received two or

1 three during that time because of the way it fell. I
2 would have received, let's see, two exceeds and one
3 meets overall performance, I believe.

4 Q. Was your salary or compensation tied at all
5 to Trousdale's budget?

6 A. Was it a part of the budget? Yes.

7 Q. Was it dependent at all upon whether you
8 stayed within your budgetary constrictions per year?

9 A. My salary, no.

10 Q. What about your bonus? Did your bonus -- was
11 one of the factors that you would get bonused on and
12 evaluated on have to do with if you stayed within the
13 budget that was provided to you by CoreCivic?

14 A. Yes, and...

15 Q. I'm sorry, I didn't hear you.

16 A. Yes, it was.

17 Q. And if you saved money for CoreCivic, is that
18 something that was looked favorably upon for bonusing?

19 A. You could receive a higher bonus. I would
20 like to say -- add to that, that you know, one, I never
21 received the bonus for not making -- for making a
22 financial metrics because I never made it. And that was
23 largely driven to our recruitment efforts and bringing
24 additional folks in to support those vacancies. So I
25 will say, I never received the bonus metric for

1 financial success, but it is part of the metrics. But

2 we cannot and will not compromise life safety or
3 security at the facility to meet those objectives.

4 Q. Were you given a specific budget to do
5 additional recruitment for folks at Trousdale?

6 A. Was I given additional budget, yes.

7 Q. And where did that additional budget come
8 from?

9 A. From our facility support center.

10 Q. How much was the additional budget year by
11 year for advertising for additional positions at
12 Trousdale?

13 A. I would have to go back and look at the
14 budget. It was pretty -- it was lucrative, but I don't
15 remember what the actual figures were.

16 Q. And when folks came from other CoreCivic
17 facilities to help out kind of temporarily at Trousdale,
18 where would they stay?

19 A. At a hotel that we paid for.

20 Q. What happens when a prison is understaffed?

21 MR. WELBORN: Object to the form.

22 THE WITNESS: That's a pretty open-ended
23 question. I am not sure that I understand.

24 BY MS. HERZFELD:

25 Q. Sure. It's important to keep a prison

1 staffed fully according to what is required in a
2 contract; is that right?

3 A. Yes.

4 Q. And having full staffing is important for the
5 safety of the employees and for the prisoners; is that
6 correct?

7 A. And for the general public, yes.

8 Q. And so when you don't have adequate staff,
9 does that create a safety risk at a particular facility?

10 A. It could, yes.

11 Q. And if you don't have adequate staffing, that
12 could cause an escape risk, for example?

13 A. It could, yes.

14 Q. And what about safety issues for the prison?

15 A. It could have an impact, yes.

16 Q. And what about safety issues for the
17 employees?

18 A. It could have an impact.

19 Q. And what would be some of those types of
20 safety issues for the employees?

21 A. Response. If you had to respond to an
22 emergency of some nature, it could put people in harm's
23 way if you didn't have adequate numbers there to
24 effectively manage through whatever that particular
25 incident may be.

1 Q. Because ultimately, I mean, what this prison
2 is doing is it's housing people who have been convicted
3 of crimes?

4 A. As all prisons, yes.

5 Q. And some of those crimes could be violent?

6 A. Yes.

7 Q. And some of the prisoners that are housed in
8 a particular facility could be violent; is that right?

9 A. Yes.

10 Q. And what about gang affiliation, are there
11 gangs that exist at Trousdale or did when you were
12 there?

13 A. Yes.

14 Q. Do you consider those to be security threats?

15 A. Yes, by classification they're security
16 threat groups.

17 Q. So gang affiliation, is that a particularly
18 difficult issue safety-wise for you as the warden at
19 Trousdale?

20 A. At every facility.

21 Q. Can a prison become more dangerous if there
22 is understaffing?

23 A. It could, yes.

24 Q. And do violent incidents, could they become
25 more frequent if there is understaffing at a particular

1 facility?

2 A. It could, yes.

3 Q. Did you see Trousdale become more dangerous
4 with the understaffing at Trousdale during your tenure?

5 A. Actually, I think we -- and again, I will
6 have to go back and look at the statistical data, but I
7 think we actually saw a decline.

8 Q. And so a decline in what? When you say that,
9 what are you referring to?

10 A. Inmate on inmate fights, staff assaults.
11 Again, I would have to go back and look at the
12 statistics, but I do believe there was a period of time
13 that we actually saw a reduction.

14 Q. I'm going to back up a little bit. When you
15 first arrived at Trousdale, was it considered a
16 dangerous facility?

17 A. It's a prison. I don't know that you can
18 define any prison as not an opportunity to be dangerous.

19 Q. Would you say it was more dangerous than
20 other facilities in the State of Tennessee?

21 MR. WELBORN: Object to the form.

22 THE WITNESS: I can't compare, I've never
23 been in any other facility in Tennessee.

24 BY MS. HERZFELD:

25 Q. Did anybody tell you anything about the level

1 of dangerousness at Trousdale before you got there?

2 A. No.

3 Q. Did anybody tell you about issues with
4 staffing before you got to Trousdale?

5 A. Yes.

6 Q. And who did you have that conversation with?

7 A. At that time, Jason Medlin, who was the
8 managing director.

9 Q. What was the conversation with Jason Medlin?

10 A. Much what we just talked about. The
11 challenges with recruiting and retaining staff in the
12 area and to the facility.

13 Q. Anything else?

14 A. Just the efforts that we were taking as a
15 company to provide the temporary staff that ran to the
16 facility from other facilities. Incentives that were
17 being put in place to recruit staff and to retain staff.

18 Q. And I think you had said before that you
19 would have to look at the statistics to see if the
20 violence got better or worse during your tenure; is that
21 right?

22 A. Yes.

23 Q. What statistics would those be?

24 A. It would be -- we have an automated tracking
25 system, which is called the 5-1, five dash one, IRD

1 system. And it's what we put in all of our -- any
2 incident that really meets a priority level that's
3 preestablished for those incident reports. I'm trying
4 to explain it to where I make sure you guys understand
5 exactly what I'm talking about.

6 Q. And is that, the 5-1 IRD, is that something
7 that's Trousdale specific or is that CoreCivic wide?

8 A. It's CoreCivic wide, but each facility is
9 specific in their statistical data.

10 Q. So there is like a code or something for
11 Trousdale?

12 A. Correct, there's a facility code.

13 Q. And every time that there was some sort of a
14 violent incident, that would be inputted into that
15 database; is that right?

16 A. Yes.

17 MR. WELBORN: Object to the form.

18 THE WITNESS: As long as it met a priority
19 level, yes.

20 BY MS. HERZFELD:

21 Q. And where could I find those priority levels?

22 A. It's in our 5-1 policy.

23 Q. And where is the 5-1 policy located?

24 A. That's a CoreCivic policy, so it would be at
25 the facility and also our facility support center.

1 Q. Who is responsible for inputting that
2 information into the 5-1 database?

3 A. Shift captains, unit managers and above.

4 Q. Was that information reviewed on an aggregate
5 basis at all by you?

6 A. It's reviewed. All incidents are electronic,
7 so once they're uploaded and submitted, they go to
8 myself, the assistant wardens and the chiefs, my boss.
9 Many, many people within our corporate office have the
10 ability to see those as they're populated.

11 Q. Are -- what do you do with them if they come
12 in as populated? Does that mean that you get like each
13 one at a time? Like John and Jim got in a fight, it
14 gets entered into and then you see it?

15 A. Correct. It would be assigned an incident
16 number. Each one is unique to the incident. And then
17 it would give a description, who was involved, all of
18 the -- those types of things that have to be answered
19 for all reports.

20 Q. And then was there a periodic report looking
21 at that data more in the aggregate?

22 A. Yes.

23 Q. How often would you have one of those
24 periodic reports?

25 A. Typically, I believe they came out monthly

1 from our corporate office. And actually, TDOC had their
2 own mechanism because we also had to double enter into
3 the TDOC system. Because we had not only CoreCivic's,
4 but we had to enter the incidents into TDOC as well.
5 And then TDOC, I believe they sent theirs out quarterly,
6 but don't quote me on that because I am not a hundred
7 percent it was quarterly. But I believe it was
8 quarterly that we received the documents from TDOC
9 giving evaluation of statistical data.

10 Q. And those would all end up in your e-mail or
11 on your desk at some point?

12 A. Yes.

13 Q. When you received those monthly reports from
14 CoreCivic, what would you typically do in response to
15 receiving that?

16 A. I would evaluate them with the administrative
17 duty staff, which consisted of the assistant wardens and
18 the chiefs and the assistant chiefs. We would discuss
19 those and then ultimately we'd disseminate down to their
20 perspective subordinates if there was things that we may
21 need to change or look at opportunities to reduce in
22 specific areas, depending on what the report reflected.

23 Q. When you were looking at that, were you just
24 looking at numbers of incidents or were you looking at
25 the severity of the incident or who was involved in the

1 incidents? What types of things did you evaluate when
2 you were looking at those reports?

3 A. Really kind of all of the above. We would
4 look at that, all of the information. But every
5 incident report is evaluated and the majority of them
6 are actually even investigated to determine whether or
7 not there is opportunity to lessen the chance for future
8 occurrences.

9 Q. During your time as warden at Trousdale, what
10 would you say was the most common type of incident that
11 you had?

12 A. Fights and assaults.

13 Q. Was it fights or assaults between any
14 particular groups?

15 A. It varied. Unfortunately, when you have
16 security threat groups inside of the facilities, it's
17 really who's rivaling at that particular time. You
18 know, this month it may be the Gangster Disciples and
19 the Bloods. And it may be the Crips next week. I mean,
20 it just varies. And some of those things stem from the
21 streets into the prisons and some of it stems from the
22 prisons into the streets. And from prison to prison, it
23 really varies.

24 You know, I've got to say that TDOC and
25 CoreCivic had some really good networking. So if we

1 seen a spike in incidents, specifically the STG at one
2 facility, there was a great job of communicating that
3 out to all of the other facilities so that we could
4 potentially evaluate as to whether or not we were going
5 to have similar types of issues at our own institution.

6 Q. And so at Trousdale, did you have a frequent
7 issue with STG assaults?

8 A. A lot of them, when we had assaults and
9 fights, they were STG connected, yes, ma'am.

10 Q. Would you say that the majority of assaults
11 and fights were STG connected at Trousdale?

12 A. Yes.

13 Q. And what STGs came up the most often as being
14 problematic at Trousdale?

15 A. The Crips.

16 Q. Anyone else?

17 A. I mean, they're the most unorganized group.
18 There's no real hierarchy. So a bunch of young guys,
19 unfortunately, without much structure. Gangs have
20 structure by nature and there are certain things. But
21 unfortunately, with the Crips, there is not a whole lot
22 of governing, I guess, if you will, or bylaws or rules
23 that they follow. Not that we sanction or imply or even
24 give credit to, but the Crips are probably your most
25 sporadic group.

1 Q. What did you do as warden of Trousdale to try
2 to minimize violence, specifically with the Crips,
3 during your tenure?

4 A. I won't say we just tried to minimize it with
5 the Crips. It was, you know, really an effort for all
6 violent incidents STG related. Early on, we had
7 conversations with my boss, at that time Jason Medlin,
8 as well as with the contract monitor, looking at the
9 level of STG that was at the facility, how long some of
10 those STG members had been at the facility.

11 And then coordinated some effort with TDOC to
12 actually move some of the STGs, inmates who were a
13 little more problematic or had been there a long time so
14 they were well established. So we moved some of them
15 out of the facility, first and foremost to try to lessen
16 our numbers at Trousdale. And then looked at the ones
17 that were problematic to try to move them around so they
18 weren't all together.

19 Q. Do you know how many murders of prisoners
20 there were at Trousdale during the period of time that
21 you were the warden?

22 A. I don't think I had -- I don't think I had
23 any homicides, that were confirmed homicides, I don't
24 believe during my term that I was there. I would have
25 to go back and look. There was deaths for sure, but I

1 am not sure that we had any that were actually
2 categorized as a homicide during my tenure. I would
3 have to go back and look.

4 Q. How many deaths do you recall occurring while
5 you were warden at Trousdale?

6 A. I would have to go back and look at the
7 statistical data. I would just be guessing at a number.

8 Q. Do you think it was more than a dozen?

9 A. Yes.

10 MR. WELBORN: Object to the form.

11 BY MS. HERZFELD:

12 Q. And at the other facilities that you've
13 worked at, have you had a lot of inmate deaths?

14 A. Again, the nature of the facility, the size
15 of the facility. No, not at my previous facilities, but
16 most of my previous facilities were short stays. It
17 being detention, they stay there less than 30, 40 days.

18 Q. So Stewart detention facility where you are
19 right now, that's an immigration facility so that's
20 civil. Have you ever been warden at a prison before?

21 A. Prior to Trousdale, not ever -- no.

22 Q. So it was mostly jails or you were the
23 assistant warden?

24 A. Yes, ma'am.

25 Q. Is CoreCivic required to provide security for

1 Trousdale to your knowledge?

2 A. Yes.

3 Q. What type of security is that? What do you
4 mean by that?

5 A. Staff who meet the established job
6 descriptions with regards to correctional officers and
7 those ranking positions.

8 Q. Do you know what a post assignment is?

9 A. Yes.

10 Q. What is a post assignment?

11 A. It's the post in which the officer is
12 assigned to physically work.

13 Q. Do you know what a critical post is?

14 A. I do.

15 Q. What is a critical post?

16 A. It's a post that by contract has to be
17 covered for the specific duration. Some are, you know,
18 first shift only, some are 24/7. So it varies on the
19 length of time, but it's a post that has to be covered
20 for whatever that designated period is.

21 Q. Do you know if there was ever a time when you
22 were warden of Trousdale that a critical post was not
23 covered?

24 A. Yes.

25 Q. When was that?

1 A. Throughout my entire time there. There was
2 various times that the critical posts were not covered.

3 Q. What types of critical posts were not
4 covered?

5 A. Typically, it would have been your escort
6 officer, utility officer, those officers who roam from
7 area to area, like to escort offenders from one location
8 to another. Those types. Periodically housing units,
9 pods that we didn't have the ability to cover due to
10 call-ins and things of that nature.

11 Q. And so that was going to be my next question
12 is why they weren't covered. So why weren't they
13 covered?

14 A. Call-ins. Hospital posts that come up,
15 meaning there were detainees that get sick and you have
16 to take them to the hospital. Detainees who are placed
17 on one-on-one observations through mental health, for
18 whether it's suicide observation. Those are things that
19 you can't plan for that unfortunately occur. You know,
20 life happens. And so we have to be able to provide
21 security support when you send somebody to the hospital.
22 And so we would have to pull those individuals to cover
23 that hospital run or that suicide post or to cover that
24 call-in.

25 Q. Do you know why critical posts are considered

1 critical?

2 A. For the safety and security of the
3 institution.

4 Q. So if you had critical posts that are open,
5 that would make the facility less safe; is that right?

6 A. It could, yes.

7 Q. What is a non-critical post?

8 A. It's a post that can be pulled that has
9 minimal impact to the facility with regards to life
10 safety and security concerns.

11 Q. Could you give me some examples?

12 A. So for example, like transportation, for
13 example. If you didn't have transportation going on and
14 there was nobody going in and out of the facility, it
15 wouldn't make any sense that, you know, those staff
16 members would just sit in an area waiting for the next
17 transport to occur. So you could reallocate or reassign
18 those individuals to do other duties until a transport
19 was to occur.

20 Q. Do you know what I mean when I say security
21 staff?

22 A. Yes.

23 Q. What is security staff?

24 A. Any uniformed employee.

25 Q. And that would be the CoreCivic employees?

1 A. Uniform. You know, for example, the
2 correctional officers, the shift captains, the
3 lieutenants, the sergeants. Those individuals who wear
4 a security uniform.

5 Q. What types of employees do not wear a
6 security uniform at Trousdale?

7 A. Support services, administration, education.
8 Medical has their own uniform, it's not a security
9 uniform, it's a medical uniform. But primarily, your
10 services and administration.

11 Q. Do you know what a staffing roster is?

12 A. I do.

13 Q. What is a staffing roster?

14 A. It's the roster that the shift captain uses
15 in order to assign staff to specific areas around the
16 facility.

17 Q. Are those kept someplace?

18 A. Yes.

19 Q. Where are they kept?

20 A. They're kept at the facility. The master
21 schedule.

22 Q. Is that a record that's kept and like logged
23 for a particular period of time or it goes to
24 headquarters or what happens to those?

25 A. No, it's maintained. I forget what the -- I

1 would have to go back to policy to see what the actual
2 retention period is for shift rosters. But there is
3 established time that we keep or maintain those.

4 Q. And to your knowledge, can CoreCivic change
5 the staffing patterns or post assignments? Or would you
6 do that? Who would do that?

7 A. The staffing pattern is, again, part of the
8 contract. So we can't change it without the partner's
9 approval if it's a contract staffing pattern change.

10 Q. What about post assignments, who would be
11 able to change those?

12 A. As far as who is working the post?

13 Q. Yes, sir.

14 A. The shift captain or the master scheduler.

15 Q. What about in the example you were talking
16 about before where say somebody needs to go to the
17 hospital or they need to be watched on suicide watch so
18 someone is pulled off of a critical post, who makes the
19 decision to pull that individual off of the critical
20 post?

21 A. When I was there, the shift captain would
22 also have a conversation with the administrative duty
23 officer, whoever was on call for that particular week,
24 whether it be the chief of security, the assistant
25 warden or myself.

1 And then if we were going to not cover the
2 critical post, maybe there was reasons either myself or
3 that a duty officer would also reach out to the contract
4 -- it's actually the correctional administrator, who was
5 John Fisher, who was the direct supervisor of the
6 contract monitor to report that we were going to have --
7 they need to close a critical post based on whatever the
8 reason may be and what our efforts were to back fill
9 that position and reopen it.

10 Q. Okay, and so whenever there was a critical
11 post that was not being covered, there would be a record
12 of that somewhere at CCA -- I am sorry, CoreCivic?

13 A. Yes, ma'am.

14 Q. And the contract monitors would know where
15 those are?

16 A. It's going to be on the shift roster, it
17 would be reflected. And those shift rosters each day
18 were sent to the contract monitor as well.

19 Q. And we talked a little bit before about the
20 memos that you drafted as the warden of Trousdale. Did
21 you draft or sign memos often as the warden?

22 A. Yes.

23 Q. Do you have any idea how many memos you've
24 signed off on while you were warden?

25 A. I don't.

1 Q. Did you ever draft any of them yourself or
2 were they typically drafted by someone else for your
3 review and signature?

4 A. Probably both. I'm sure I did.

5 Q. And you had a binder where you stored those
6 memos; did I understand that correctly?

7 A. Correct. An instructive memorandum binder.

8 Q. As far as keeping track of records and
9 communication and stuff at Trousdale, would you say that
10 Trousdale was still primarily working on paper and
11 sending paper memos or had you switched over to things
12 were more electronic with e-mail?

13 A. I wish. Trousdale was a pretty paper intense
14 facility.

15 Q. And if employees wanted to send messages to
16 each other, was there a way for them to do that?

17 A. Outside of e-mail, face-to-face
18 conversations. I mean, I guess they could write them a
19 note and put it in their mailbox or something like that,
20 yeah.

21 Q. I don't think people even do that anymore.

22 A. They do.

23 Q. They do. Now I don't feel quite so old.
24 What about like an instant messenger, was there some
25 sort of way for people to speak online in like an

1 instant messenger capacity?

2 A. There is. I am not an IT guy by any stretch,
3 henceforth, I have no social medias or anything. But I
4 know that there is an instant messenger. Whether that's
5 connect to e-mail or if that -- I am not sure.

6 Q. Do you know if employees at Trousdale used
7 some form of instant messenger?

8 A. I believe they had the capability. Whether
9 they used it or not, I don't know.

10 Q. Who would know that? Is there an IT person?

11 A. At the facility? I don't know even the IT
12 person. I don't know how you would know that, honestly.

13 Q. Is there some sort of internal server where
14 documents are kept for Trousdale?

15 A. CoreCivic has a server, internal server, yes.

16 Q. What types of documents are kept on that
17 internal server?

18 A. Everything that is done on the computer, I
19 think, is backed up in some fashion or other for
20 whatever period of time.

21 Q. Does that server have a name?

22 A. If it does, I don't know what it is.

23 Q. If electronic things -- I'm trying to figure
24 out what the electronic databases are that you would
25 have access to at Trousdale. Are there any electronic

1 databases? I think you talked about the --

2 A. The 5-1 IRD.

3 Q. 5-1 IRD.

4 A. The employee discipline is automated. You
5 know, our purchasing stuff is automated. I'm sure
6 there's others that I'm just forgetting. The hiring and
7 separating of employees is automated, the HR component.

8 Q. And can you think of any other sort of --
9 like here we'll say, oh, go ahead and save it on the
10 server. That's what we say within our office. Did you
11 save that on the server or did you save that on Worldox?
12 That's the name of where we save things. Did you guys
13 have anything like that?

14 A. A share drive, that's for Trousdale. There
15 is what they call a share drive.

16 Q. And what is the share drive for Trousdale?

17 A. It's really an area that any person who's got
18 CoreCivic credentialing and access to a computer can
19 sign on for Trousdale. You can go in -- so if there's a
20 form, say, that would be applicable to many people
21 inside the facility, they can go in there and pull that
22 form off of there.

23 Q. What other things are on that share file,
24 other than kind of forms that could be filled out?

25 A. It's hard to say. I mean, anybody can save

1 anything to it. So there's probably some things -- I
2 don't know, there's just a lot of things. I don't know
3 if there's anything that's defined that says this can be
4 and this should be or this shouldn't be.

5 Q. And so are the policies for Trousdale on that
6 share file?

7 A. No, we have -- they're on the intranet for
8 CoreCivic. So every employee, again, can get on and
9 review policy through the intranet process.

10 Q. Do you know if individual employees save
11 things on the share file?

12 A. I'm sure they do because everybody has access
13 and ability to do that.

14 Q. During the time that you were working at
15 Trousdale, was Trousdale ever audited?

16 A. Yes.

17 Q. By whom?

18 A. TDOC, CoreCivic, ACA, comptrollers. I think
19 that was it, I mean, as far as the individual auditors
20 or outside people auditing.

21 Q. And when you were -- when Trousdale -- let me
22 start again. When Trousdale was audited by TDOC,
23 CoreCivic, ACA or the comptroller's office, were there
24 ever deficiencies found?

25 A. Yes.

1 Q. In which of those audits were deficiencies
2 found?

3 A. There were -- I'm trying to remember what our
4 score was with ACA. I don't remember if we had any
5 deficiencies with ACA. Yeah, I think there was, but I
6 can't remember what the particulars were. There's about
7 400 different standards that they measure, so I think
8 there was. I mean, we were ultimately accredited
9 through ACA, but I don't remember what non-mandatory
10 standards would have been found noncompliant during that
11 period.

12 But during the medical audits we had through
13 TDOC, you know, from chart counts being off, needle
14 counts, between nursing staff were some of the common
15 things. During the audits with the comptroller,
16 staffing was addressed. Which again, was kind of
17 regurgitated through that CDR process and a lot of that
18 data was given to them when they got there, specifically
19 from the contract monitor and from us. So I know
20 staffing was on there. Segregation, as I mentioned
21 before, you know, doing rounds, documented rounds and
22 processes related to restrictive housing assignments.
23 There's a battery of things.

24 Q. What about when you had audits done by
25 CoreCivic, were there any deficiencies found then?

1 A. Yes, ma'am.

2 Q. And do you recall what those deficiencies
3 were?

4 A. Very similar, you know, to the findings that
5 we -- occurred from the TDOC audits. Much of our audit
6 instrument is built to mirror the TDOC policies and
7 practices at the facility. So very similar in nature.

8 Q. And when we're talking about these audits,
9 are those also called policy audits or are they called
10 something different?

11 A. Well, I mean, the -- now, I've never heard
12 them referred to as policy audits. I mean, they're
13 ultimately the indicators and the standards that are
14 built from policy or from contract. But I've never
15 heard them referred to as a policy audit.

16 Q. And with the contract monitors, I know you
17 had said that they have to issue something if they think
18 you're out of compliance. Do they issue regular
19 reports?

20 A. Not to me. As far as -- but I do know that
21 they had to do monthly reports, you know, on either
22 contract deficiency issues or compliance issues that
23 went directly to the TDOC leadership. But not directly
24 to me.

25 Q. Were you copied on those monthly reports?

1 A. I believe, yeah. I can't remember if they
2 gave them to me in hard copy or if it was e-mail or
3 both. But yeah, typically -- I mean, it wasn't a
4 surprise. I knew what was being reported as far as
5 deficiencies.

6 Q. Okay. Do you know if CoreCivic employees are
7 unionized?

8 A. Some of our sites, yes.

9 Q. Do you know if there is a union representing
10 CoreCivic employees at the Trousdale facility?

11 A. There was not at the time I was there.

12 Q. How long were the officer shifts at Trousdale
13 when you were there?

14 A. Twelve-hour shifts were what they were
15 designated.

16 Q. Would folks sometimes work overtime?

17 A. Yes.

18 Q. What about double shifts?

19 A. Did it occur on occasion, yes.

20 Q. And with security staff, did you ever have
21 security staff pulling double shifts?

22 A. Yes, we did. A little less. I don't know
23 that we ever had anyone go a full 24 hours. But we did
24 have staff that would go 18, you know, 19 hours, yes.

25 Q. Was that a somewhat regular occurrence?

1 A. No.

2 Q. Were shifts always 12 hours since the time
3 that you began at Trousdale?

4 A. Since my arrival, yes.

5 Q. Did they ever change at any point?

6 A. During my time?

7 Q. Yes.

8 A. No.

9 Q. And the individual employees that --
10 CoreCivic employees, those are generally, with the
11 exception of management, those are hourly employees?

12 A. Yes.

13 Q. And when those hourly employees worked more
14 than their 12 hours, are they given overtime?

15 A. Actually, if they work more than 40 in a
16 single week. So they're automatically built-in over-
17 time on a twelve-hour shift, automatic.

18 Q. I want to make sure I understood that. I'm
19 going to back up. So how many 12-hour shifts a week
20 would an employee typically work?

21 A. The way the shift schedules worked, they
22 would work 48 hours one week, so four 12-hour shifts.
23 And then the following week, it was a 36-hour. They are
24 paid by the week -- or their hourly compensation was by
25 the week. So the week that they worked the 48, there

1 was eight hours of built in overtime for that actual
2 time.

3 Q. So they would work 48 and then they work 36?

4 A. That's correct.

5 Q. Week to week?

6 A. Correct.

7 Q. Four 12-hour shifts and then three 12-hour
8 shifts?

9 A. That's correct.

10 Q. And so the week that they worked 48, they
11 would get overtime for those eight hours?

12 A. That's correct.

13 Q. Were folks able to take more overtime, work
14 more than the four 12-hour shifts during a week?

15 A. Yes.

16 Q. Was that opportunity just generally available
17 because you were so short staffed?

18 A. It was to cover the vacancies, however those
19 were driven. Whether it was call-ins or no call no
20 shows, or hospital duties that come up, those types of
21 things. It was to cover those vacancies so that we
22 could, in turn, make sure that the things were met that
23 we were required to meet.

24 Q. So if an individual was, say a guard, and
25 they wanted to make extra money for Christmas or for a

1 car payment or, you know, whatever it is, would you say
2 that there was basically an unlimited opportunity for
3 people to work overtime if they chose to at Trousdale?

4 A. Not an unlimited, no.

5 Q. Were there limits on the amount of overtime
6 an individual could work?

7 A. Yes.

8 Q. And what were those limits?

9 A. Not to exceed 50 hours in a single pay
10 period, so a two-week period.

11 Q. Not to exceed 50 hours in a two-week pay
12 period?

13 A. That's correct.

14 Q. So if they're working 40 hours for each week,
15 that would 80 hours. So you mean not more than 50 hours
16 of overtime in a two-week pay period?

17 A. That's correct, yes.

18 Q. Did you ever have any staff that worked their
19 40 hours -- I'm going to back that up. Did you ever
20 have any staff that you know of during your time at
21 Trousdale that worked the 80-hour regular shift plus 50
22 hours of overtime during those two weeks?

23 A. Yes.

24 Q. How often would you say that happened?

25 A. I would have to go back and look at the

1 records. It happened each pay period, but the number of
2 people, I'm not sure.

3 Q. And so I just want to make sure that I
4 understand this. So over a two-week period, you've got
5 40 hours, which is you said the 48 one week and then the
6 36 hours the next week. And then a total of 50 hours
7 per week they could work on top of that; is that right?

8 A. That's correct.

9 Q. And so is it 50 hours -- they had a maximum
10 of 50 hours of overtime over the two-week pay period or
11 50 hours of overtime for each week?

12 A. The pay period, meaning the two weeks.

13 Q. Okay, so if you take 80 hours of regular time
14 plus 50 hours of potential overtime, that could have
15 employees working 130 hours over the course of two
16 weeks?

17 A. That's correct.

18 Q. If you did that, that would be 65 hours a
19 week, roughly?

20 A. Yes.

21 Q. And you think that happened about every pay
22 period?

23 A. Yes.

24 Q. And then the overtime that CoreCivic full-
25 time employees were working, that helped to fill in the

1 gaps for the lack in staffing; did I understand you
2 correctly?

3 A. Correct.

4 Q. Do you know if it's more cost efficient to
5 have full-time employees work overtime or hire an
6 additional employee?

7 A. Actually, it's more costly to have the over-
8 time employee.

9 Q. Do you ever know of a time where an employee
10 worked more than the 50 hours of overtime, even though
11 there was supposed to be a cap on it?

12 A. As previously stated, yes.

13 Q. Worked more than the 50 hours of overtime?

14 A. Yes.

15 Q. And how many times did that happen?

16 A. Again, without going back to the records,
17 that's what I was referring to. I would have to go back
18 and look to see the number of people per pay period that
19 that would have been applicable to. I don't know.

20 Q. Was it a somewhat regular occurrence to have
21 some folks work more than the 50 hours of overtime for
22 those two-week pay periods?

23 A. Yes.

24 Q. Did you ever talk to your higher-ups about
25 folks working over the 50-hour overtime cap?

1 A. Yes.

2 Q. And who did you speak to?

3 A. The two same managing directors, Stacey Stone
4 and Jason Medlin.

5 Q. What did they say about it?

6 A. That discussion typically was prompting to
7 bring additional staff from the other CoreCivic
8 facilities, which they would have had to authorize.

9 Q. When you would complain that you had people
10 working more than the 50 hours of overtime, would they
11 always bring in extra people to alleviate that concern?

12 A. I can't recall a time that I was ever told
13 no.

14 Q. Do you know what the purpose is behind having
15 a 50-hour overtime cap for a two-week pay period?

16 A. Really, it's just to make sure that you don't
17 -- because you'll have individuals who would never go
18 home unless you just told them to go home. And it's so
19 as to evenly space out to make sure that not one person,
20 any one single one person is doing all of the overtime
21 and the others aren't kind of pulling their fair share
22 to spread out the amount of overtime across the
23 individuals. To be as fair as possible.

24 Q. So if folks are working overtime, say 60, 70,
25 80 hours a week, do you think they're at their best?

1 A. I don't know that anybody can make that
2 argument that, you know, a person who hasn't worked any
3 versus a person who's worked a good number of hours
4 would be the same person. So no, I can't say that.

5 Q. Do you think folks would be more tired if
6 they've been working a lot of overtime in a particular
7 week?

8 A. Human element, yes.

9 Q. Do you think they might not be as sharp if
10 they were working a lot of overtime in a particular
11 week?

12 A. Again, I think that varies from person to
13 person. But I mean, if you work more versus a person
14 who is not, I think any reasonable person would say that
15 the person who's worked fewer hours should be more
16 alert. But that doesn't necessarily mean the base
17 because you don't know what they're doing at home. So I
18 can't always say that.

19 Q. But your preference would be to have folks
20 working normal shifts and not working overtime; is that
21 right?

22 A. Yes.

23 Q. And is that because that's safer for the
24 facility?

25 A. Yes.

1 Q. Are employees required to work overtime at
2 Trousdale?

3 A. Yes.

4 Q. And what is the requirement for employees to
5 work overtime at Trousdale, when you were there?

6 A. I mean, it's really the same -- the
7 requirement exists due to making sure that we cover all
8 critical and mandatory posts. And so, I mean, that's
9 the real requirement. And we require all staff to do
10 that, again, so that we can be fair and spread out the
11 amount of overtime across the entire workforce as
12 opposed to just having a certain group or a smaller
13 group.

14 Q. And so was there mandatory overtime for
15 CoreCivic employees the entire time that you were
16 working at Trousdale?

17 A. Yes.

18 Q. How many hours for mandatory overtime?

19 A. I don't recall the specific number.

20 Q. How would folks know that there was mandatory
21 overtime while you were working at Trousdale?

22 A. The master scheduler would coordinate the
23 schedule, letting them know what days that they have
24 been scheduled for mandatory overtime. Or the shift
25 captains, if it was a post that couldn't have been

1 planned for, such as a call-in, hospital duty that just
2 arose, suicide observation post that just arose, they
3 would then look at the people with the fewest number of
4 hours for that particular week. And then they would
5 start from that list and work backwards. So fewest
6 number of hours first and so on and so forth.

7 Q. So when there was the maximum of 50 hours of
8 overtime that wasn't always adhered to, was there ever a
9 time when CoreCivic employees were required to work
10 their 80 hours in a two-week period plus the additional
11 50 hours of overtime?

12 A. Yes.

13 Q. When folks are working more than the 50 hours
14 of overtime, were they ever mandated -- was it ever
15 mandatory overtime that put them over that 50-hour over-
16 time cap?

17 A. Yes.

18 Q. Was that a routine occurrence that people
19 would be scheduled for more than their 80 hours during
20 the two-week work week plus their 50-hour mandatory
21 overtime and then additional overtime beyond that? Was
22 that mandatory overtime, was that a routine occurrence?

23 A. It occurred. How many of those beyond that
24 50, again, I would have to go back and look. I mean, it
25 did occur, yes. I couldn't tell you at what level of

1 frequency.

2 Q. Are there any other ways that you think the
3 amount of overtime that someone works is related to
4 their job performance?

5 A. I don't understand the question.

6 Q. Sure. Are there other concerns that you
7 could have about security staff, for example, working a
8 significant amount of overtime on their job performance?

9 A. Other than them personally, I mean, you know,
10 obviously a person working a large number of hours may
11 not necessarily be taking care of themselves. So on a
12 personal side, that would be that element. On the
13 professional side, it would be on the security side.

14 Q. How many hours a week did you work when you
15 were warden at Trousedale?

16 A. A day?

17 Q. A day, a week, I mean, did you keep regular
18 hours as warden?

19 A. No. Typically, no fewer than 12.

20 Q. Did you work weekends?

21 A. Yes.

22 Q. Did you work every weekend or just
23 occasionally work weekends?

24 A. No, not every weekend. When I was
25 administrative duty officer, my assignment, because we

1 cover seven days a week, Monday to Monday, there is an
2 obligation that we go into the facility, conduct rounds
3 on both Saturday and Sunday. And then we also have to
4 do a night shift tour during that period of time between
5 the hours of 10:00 p.m. and 4:00 a.m., going into the
6 facility to spend time with the night shift staff as
7 well.

8 Q. When you were warden, what was your typical
9 schedule? If like your secretary was wondering when you
10 would come in, you were typically there 7:00 to 7:00,
11 8:00 to 8:00?

12 A. I typically would get to work about 5:30, six
13 o'clock every morning.

14 Q. So you are an early riser?

15 A. Yes, ma'am.

16 Q. And would you stay until about dinnertime?

17 A. Usually until following dinner, the dinner
18 meal. Not always, you know, but the majority of the
19 time, it was at the conclusion of the dinner meal.

20 Q. And the dinner meal is served at what time at
21 Trousdale?

22 A. We'd finish up between 6:30, seven o'clock
23 sometimes.

24 Q. And I think I've been there, sometimes I
25 think I've seen dinner coming in as early as 4:30? Does

1 that sound right?

2 A. Yeah, but you've got to remember you're
3 feeding 2600.

4 Q. You've got to get through the whole round?

5 A. You've got to get through the whole facility,
6 yeah.

7 Q. Would you agree that excessive overtime could
8 lead to employee burnout?

9 A. It could, yes, ma'am.

10 Q. And do you think it would cause stress for
11 folks to be working all of that overtime?

12 A. It could.

13 Q. What about physical exhaustion?

14 A. It could.

15 Q. For your security staff, a lot of it is folks
16 are on their feet walking around a lot, right?

17 A. Every work station had seats so they could
18 sit down. Even on the housing units, there were stools
19 and chairs that they would routinely sit at, making
20 their log entries and things of that nature. But the
21 floor officers, I would say probably would walk the
22 most.

23 Q. When you're in a security position at a
24 prison, I am assuming you have to be on high alert all
25 the time?

1 A. Yes, ma'am.

2 Q. Looking out for folks and, you know, people
3 that are saying things or people that are doing things,
4 you have to have like a heightened level of awareness of
5 what is going on around you; is that right?

6 A. Yes.

7 Q. You said you were corrections officer at some
8 point; is that right?

9 A. Yes, ma'am.

10 Q. When you were a corrections officer, did you
11 find that having that heightened level of awareness
12 around you caused you to exert physical and emotional
13 energy?

14 A. Me personally, no. You know, it was just a
15 condition and part of the profession. So I didn't
16 notice any specifics, me personally. But how it impacts
17 me or affects me is going to be completely different
18 than the way it impacts or affects the next person.

19 Q. When you're on as a security guard, you can't
20 really just be like checking your Facebook and kind of
21 hanging out and reading a book and, you know, relaxing
22 like you could in other positions; is that right?

23 A. No, you shouldn't be doing that period. No,
24 that is correct.

25 Q. So during the shift when someone is working a

1 security position, they need to be paying attention to
2 what is going on within their area every minute of that
3 shift; is that right?

4 A. That's correct.

5 Q. Have you ever heard of employees being
6 frozen? Someone having to stay in their shift until
7 someone else can come in to replace them, like you can't
8 leave until your replacement gets here?

9 A. Yeah, that's where that mandatory overtime
10 would be applicable.

11 Q. Did you have a term for that at Trousdale?

12 A. It was mandatory.

13 Q. Mandatory, okay. It wasn't called freezing
14 or frozen or anything like that?

15 A. Not that I ever heard referred to. Not to
16 say that staff didn't use that word, but I never --
17 actually never heard that. That's the reason I paused
18 when you said frozen, I didn't know what that meant.

19 Q. I wasn't talking about the musical. How
20 often would you say those employees had that mandatory
21 overtime? Was that once a week, twice a week, every
22 week?

23 A. Again, it would be a pure guess. I mean, it
24 occurred each day probably, but to the numbers, I would
25 have to go back and look at the shift rosters.

1 Q. Are employees of Trousdale given sick leave?

2 A. All I heard is employees and then came in at
3 sick leave.

4 Q. Are employees at Trousdale given sick leave?

5 A. It's PTO. It's personal time off. So it
6 would all be clustered into -- they utilize that bank of
7 hours however appropriate, whether it's for sick leave,
8 whether it's for vacation leave. It's their discretion
9 how they use it.

10 Q. Do you know how much PTO they get, or does it
11 depend on the employee?

12 A. It depends on the employee and their
13 longevity.

14 Q. Do you know if any employees were ever denied
15 PTO time while you were warden?

16 A. I'm sure, yes.

17 Q. Do you know what some of the reasons would
18 have been?

19 A. Could have varied. More often than not, it
20 would be the fact that they had already been given the
21 allowed number of people to be off in any given day.
22 Based on the number of people that were going to
23 training. You know, those types of things. It's kind
24 of hard to deny it for sick call-ins because you don't
25 know that in advance.

1 But more often than not, it was because we
2 had -- they had already exceeded the number or were at
3 the number of people that they could give off, and
4 that's been the designated by the shift and that relief
5 factor.

6 Q. Did a situation like that ever cause you to
7 have to have folks working at Trousdale that were ill on
8 duty? That were sick?

9 A. No, I mean, because they would have called in
10 sick for that day if that's what you are asking.

11 Q. I guess that's what I'm asking. So has
12 anybody ever been, you know, hey, I am calling in sick,
13 I'm really not feeling well. No, I'm sorry, we're too
14 short staffed, you're going to have to come in. Was
15 there ever a situation that happened like that while you
16 were warden?

17 A. No, I mean, if it was to the point, like for
18 example, if you had an employee who was routinely having
19 an issue, the person taking the call, either the shift
20 captain, the manager, whoever it may be, may ask them to
21 bring a doctor's note to support the fact that they were
22 truly utilizing that sick leave for a qualified reason.
23 But to say -- you know, you can't go reach through the
24 phone and make them come to work.

25 Q. You said that there was a -- would you say

1 that there was a lot of turnover in positions at
2 Trousdale while you were there?

3 A. Some positions, yes, and others, no.

4 Q. And what were some of the higher turnover
5 positions?

6 A. By sheer number, correctional officers.

7 Q. What were some of the factors while you were
8 warden at Trousdale that led to increased turnover in
9 the corrections officer positions?

10 A. A matter of reasons. I will tell you, this
11 profession is not for everyone. So some would believe
12 that it was the profession that they would like to have.
13 The unfortunate side about this industry is that there
14 is not a test period. You go through class and you go
15 to work. It either fits you or it doesn't fit you. So
16 a large number was that. It was that the profession did
17 not -- wasn't what they anticipated or they expected.

18 We have a lot of the workforce today that
19 want to work Monday through Friday or some cases Monday
20 through Thursday and have every Friday, Saturday, Sunday
21 off. Who don't want to do shift work, who don't want to
22 work weekends, don't want to work holidays. Some that
23 don't want to be a part of mandatory overtime or
24 scheduled overtime. But in this industry, as was as in
25 law enforcement as a whole and public safety as a whole,

1 it's a -- one of uncertainty with regards to schedules
2 and shifts.

3 So that was probably your bigger -- your
4 biggest two things, was just wasn't the right fit in
5 profession. And secondly, not wanting to commit to the
6 level that the profession expects or needs.

7 Q. When you say not willing to commit to the
8 level that the profession needs or expects, does that
9 include the not wanting to work the mandatory overtime?

10 A. Yes.

11 Q. In your opinion, does the high turnover rate
12 impact the safety of the prison?

13 A. It can, yes.

14 Q. To your knowledge and your experience, is
15 there a level of turnover that becomes unacceptable for
16 a facility?

17 A. I think any turnover should be considered
18 unacceptable. You know, it's inevitable. You're going
19 to have turnover. I don't know that I know or can say
20 that, you know, a certain percentage is going to sway
21 the operations one way or the other. But any turnover,
22 in my opinion, is not favorable.

23 Q. While you were at Trousdale, did you ever
24 offer or do you know if CoreCivic ever offered retention
25 bonuses for folks that were already hired?

1 A. We offered recruitment bonuses, meaning that
2 if you went out and recruited somebody who was able to
3 come to work, met all of the background criteria and
4 officially started, I know that there was, I want to say
5 it was \$1500 a person. Where if that person was there
6 at the three-month interval, the staff who made the
7 recommendation got half of that bonus. And then at the
8 conclusion of six months, they got the remaining balance
9 of that. So I think it was paid out in two \$750
10 increments.

11 There was also recruitment bonuses paid to
12 the actual employee. So it was paid out twice. It was
13 paid to the employee who came on, but it was also paid
14 to the employee who was already actively there that
15 recommended them for the position.

16 Q. So like a referral bonus?

17 A. Yes, ma'am.

18 Q. To your experience in your life-long career
19 in corrections, what are some of the risks of bringing
20 in temporary employees from other facilities?

21 A. If they're not from the same partner, you
22 know, it's the lack of knowledge of the specific
23 policies that relate to, for example, Tennessee.
24 Bringing in from our other Tennessee facilities that are
25 policy same and contract virtually same, very minimal.

1 We do onboarding and we do some training with
2 those individuals who do come from the other non-
3 Tennessee facilities. And so we provide them training
4 before we put them on a post by themselves and then
5 they're also provided on-the-job training by the staff
6 that are there before they're actually turned over to a
7 post by themselves.

8 Q. How long is that new officer training?

9 A. I believe it's 24 hours in the classroom and
10 16, I believe it was, for the on-the-job training.

11 Q. Is that the same for new hires in general who
12 have never worked in a correction background?

13 A. No, the academy for them is six weeks long.

14 Q. Is that academy done through CoreCivic?

15 A. Yes, ma'am.

16 Q. Is there anything else that you would have
17 done when you were warden at Trousdale to keep staff, to
18 bring more staff on?

19 A. Outside of what we did, I think we were doing
20 a lot. Probably more so than any other facility that I
21 had ever worked with. So I think anything that we
22 brainstormed on and pitched ideas, as long as it was in
23 line with all of the standards, was acted upon. There
24 was never any effort to cut cost in any fashion as it
25 relates to staffing, overtime, recruitment efforts,

1 paying organizations to try to go out and find these
2 military individuals that are getting out of the
3 military and coming to work for us. So I can't think of
4 any one specific thing that I would say that, hey, had
5 we done this, I think it would have made a difference
6 one way or the other.

7 Q. Did you ever have a request while you were
8 warden at Trousdale for something to do with staffing at
9 the facility that was denied by CoreCivic?

10 A. Not that I can recall.

11 Q. What about any staffing requests or financial
12 requests to TDOC that were denied?

13 A. Make sure I'm understanding the question.
14 Are you asking me requests that I made for TDOC to pay
15 for something?

16 Q. Yes, sir.

17 A. No, but that would not have originated with
18 me. That would have -- if there was going to be any
19 change, for example, if we were going to change the
20 contracted staffing numbers at the customer's request or
21 ours, that would have prompted some discussions about a
22 per diem change potentially. But none that I recall
23 while I was there.

24 Q. What about requests for things to be paid for
25 by CoreCivic, did you ever have any of those requests

1 denied?

2 A. You'll have to give me a little more detail
3 what type of request you're referring to.

4 Q. Did you ever have any financial request made
5 to CoreCivic denied while you were warden at Trousdale?

6 A. That I asked for?

7 Q. Yes, sir.

8 A. Not that I can recall, no.

9 Q. What about anybody at the facility? Did
10 anybody at the facility make any requests financially of
11 CoreCivic that you know of that were denied?

12 A. Other than like capital expenditure requests,
13 maybe. That would be really the only thing. We do that
14 annually to determine capital expenditures that could
15 have been denied or pushed to another year. I don't
16 know any specifics.

17 Q. I think you said before that CoreCivic gave
18 you like a supplemental budget in order to do
19 advertising to bring on more staff; is that right?

20 A. Yeah, it was all in my budget, but it was an
21 elevated line item to support the efforts, yes.

22 Q. Did that number go up year after year while
23 you were warden of Trousdale?

24 A. Yes, ma'am.

25 Q. Does it have a specific line item within your

1 budget?

2 A. I think there is an actual recruitment and
3 retention line item, but I would have to go back to the
4 budget and actually look. But I do think that there was
5 an advertising. I am not sure exactly what it's
6 labeled.

7 Q. Where could I find copies of your budgets?

8 A. Our budgets are maintained at our facility
9 support center.

10 Q. Would you agree that a prison's reputation
11 could impact the prison's ability to recruit and retain
12 quality employees?

13 A. It could.

14 Q. Do you think Trousdale had a good reputation
15 while you were warden?

16 A. That's kind of open to -- you know, speaking
17 for how you view it, how I view it are going to be
18 totally different. Do I think that some people had a
19 misconception of Trousdale Turner? Absolutely. Do I
20 think that there were false beliefs out in the
21 community? Absolutely.

22 Q. Did you ever hear of any of those beliefs or
23 conceptions making it into media stories?

24 A. Yes.

25 Q. And there was also the comptroller's

1 evaluation of Trousdale; is that right?

2 A. Yes.

3 Q. And the comptroller's reports, actually I
4 think there were two; is that right?

5 A. That's correct.

6 Q. And those reports from the comptroller's,
7 would you say they were favorable or unfavorable to
8 Trousdale?

9 A. I think there was portions of that were
10 favorable and I think there were some things that they
11 listed some opportunity.

12 Q. When you say listed some opportunity, what do
13 you mean?

14 A. Opportunities to improve. I don't know of
15 any correctional system or facility that is not going to
16 have opportunity for improvement.

17 Q. Do you know if the comptroller does reports
18 on all facilities within Tennessee?

19 A. I think they do now. I am not sure if they
20 did previously.

21 Q. And do you know what --

22 A. And I'm not sure that they do all. I think
23 it's just some. I don't know that all have been.

24 Q. Do you know what prompted the comptroller's
25 investigation of the Trousdale facility in Tennessee?

1 MR. AUMANN: Objection to form.

2 THE WITNESS: I do not know specifically what
3 prompted them.

4 BY MS. HERZFELD:

5 Q. Do you agree that Trousdale had a reputation
6 as being a violent facility?

7 MR. WELBORN: Objection to the form.

8 THE WITNESS: Through the media, yes, I do
9 believe the media gave that vision of Trousdale, yes.

10 BY MS. HERZFELD:

11 Q. Would you want one of your family members to
12 be housed at Trousdale?

13 A. I wouldn't want one of my family members
14 housed -- incarcerated, period.

15 Q. Right. But if one of your family members had
16 to be incarcerated, would you want them to be
17 incarcerated at Trousdale or someplace else?

18 MR. WELBORN: Object to the form.

19 THE WITNESS: I don't know that I understand
20 the line of questioning. I wouldn't want them
21 incarcerated in any facility.

22 BY MS. HERZFELD:

23 Q. But if you had a family member who was
24 incarcerated, would you feel safe having them at
25 Trousdale?

1 MR. WELBORN: Object to the form.

2 THE WITNESS: Where they had to do their time
3 would be not my decision. I mean, ultimately, wherever
4 they committed their crime, they would be responsible to
5 do their time at whichever facility the classification
6 has deemed appropriate. I would have no control over
7 that.

8 BY MS. HERZFELD:

9 Q. Would you feel safe if you were incarcerated
10 at Trousdale?

11 A. Did I feel unsafe as the warden of that
12 facility, the answer is no, I did not feel unsafe.

13 Q. Right, but if you were being incarcerated,
14 would you feel safe being incarcerated at Trousdale?

15 A. I can't answer that question because I have
16 never been incarcerated and I can't tell you how I would
17 feel -- presume how I would feel.

18 Q. Do you think that the prisoners in Trousdale
19 feel safe?

20 A. I think some, yes. There's going to be
21 others that say, no, that they don't feel safe.

22 Q. Have you gotten complaints from prisoners
23 while you were warden at Trousdale that said they did
24 not feel safe?

25 A. Yes, and I've gotten complaints at every

1 institution I've ever worked at.

2 Q. Okay.

3 A. I'm sorry. The fire alarms are sounding. Is
4 that coming across to you guys?

5 Q. I can hear it. Is there a fire?

6 A. No, ma'am. They're running a drill. They
7 shut it off. So I just wanted to make sure that it
8 wasn't interfering. Sorry.

9 Q. It's not interfering. You got to hear my
10 e-mail, I got to hear your smoke alarm.

11 Do you know if Trousdale ever eliminated any
12 posts because CoreCivic couldn't find employees to fill
13 those posts?

14 A. Eliminated them as far as the staffing
15 pattern?

16 Q. Yes, sir.

17 A. Not that I recall, no.

18 Q. Do you know if any inmate programming at
19 Trousdale was ever cut or reduced due to a lack of
20 staff?

21 A. No, not that I recall. I mean, you would
22 have had, you know, maybe a class that wasn't provided
23 while we were actively recruiting to hire somebody if we
24 didn't have a substitute. But as far as cutting it and
25 saying it's no longer going to be available, I can't

1 think of any, no.

2 Q. Would you agree that inmate programming can
3 reduce violence inside of a prison?

4 A. Yes.

5 Q. Do you know what the maximum salary is for an
6 unstaffed position at Trousdale while you were there?

7 A. Maximum salary for what?

8 Q. Let me back up, that wasn't a very good
9 question. Unstaffed positions that you would have
10 because they weren't filled, what was the highest level
11 of an unstaffed position that you had at Trousdale?

12 A. Like the highest level salary?

13 Q. Yes, sir.

14 A. I mean, it would vary from time to time. I
15 mean, I would have an assistant warden, you know, maybe
16 there was a vacancy in between an assistant warden.
17 That would probably be the highest next in line when
18 there would be a vacancy. That would probably be the
19 highest level position.

20 Q. When you had vacancies at Trousdale while you
21 were warden, were most of those vacancies for
22 corrections officers or were there other positions?

23 A. There was other positions, but again, by
24 sheer numbers, the percentage of officers versus -- that
25 was the highest number of one specific job

1 classification that we had. So number-wise, it would
2 always be the correctional officers.

3 Q. Do you understand there to be a relationship
4 between safety of a prisoner and staffing?

5 A. Yes, as previously stated.

6 Q. Do you agree that an understaffed prison
7 would have less oversight of inmates?

8 A. An understaffed prison would have less
9 oversight, is that what the question is?

10 Q. Yes, sir.

11 A. Yes. I mean, fewer people is going to result
12 in less...

13 MR. AUMANN: Can we take a break?

14 MS. HERZFELD: One more question and then I'm
15 done with this section.

16 BY MS. HERZFELD:

17 Q. Do you know if Trousdale, while you were the
18 warden, had an inmate-to-officer ratio? Did you have
19 anything like that, that you had to take into
20 consideration?

21 A. The staffing pattern provided the ratio, but
22 I don't remember what it was. I would have to review
23 the staffing pattern.

24 MS. HERZFELD: Okay, let's take a break.

25 (Recess observed.)

1 BY MS. HERZFELD:

2 Q. Okay, Mr. Washburn. We're coming back after
3 a lunch break. Did you have a chance to get something
4 to eat?

5 A. I did.

6 Q. Good. Now we can settle in for the remainder
7 of your deposition. How many --

8 MR. AUMANN: Sorry, Tricia, I should have
9 mentioned to you. I have to leave for a meeting at two
10 o'clock, so Nikki is going to take over in case the TDOC
11 defendants have any depositions from 2:00 to maybe about
12 three o'clock. Sorry for interrupting you.

13 MS. HERZFELD: Great.

14 BY MS. HERZFELD:

15 Q. Okay, Mr. Washburn, do you know how many beds
16 Trousdale has?

17 A. Right at 2600 total beds.

18 Q. During the time that you were warden, was
19 Trousdale ever over capacity?

20 A. No.

21 Q. Were you right at full or were you less than
22 capacity?

23 A. More often than not, below capacity.

24 Q. About how much would you say you were below
25 capacity by?

1 A. I would say typically anywhere from three to
2 four hundred beds below.

3 Q. During the time that you were warden at
4 Trousdale or in the period of time after you left
5 Trousdale, did you ever hear anything about shift
6 records being falsified?

7 A. No.

8 Q. You've never heard of anyone saying that
9 shift records were falsified at Trousdale?

10 A. In what context? I mean, from like the
11 comptroller's, it had initially indicated that there was
12 some concern, some rosters that weren't provided to them
13 during the first audit. Those were later found in a
14 warehouse and then given to them. If that's the context
15 you are talking about, then yes.

16 Q. What about people falsifying the number of
17 hours that they worked?

18 A. No.

19 Q. Who do you report to directly at CoreCivic?

20 A. The managing director.

21 Q. That was who?

22 A. Jason Medlin to start. Stacey Stone. And to
23 end was Charles Keating.

24 Q. Did you have regular meetings with those
25 individuals?

1 A. Regular conversations, I wouldn't necessarily
2 say meetings.

3 Q. So there is not like a standing quarterly
4 meeting you have with them?

5 A. No.

6 Q. You just call as needed?

7 A. Yes.

8 Q. Are Trousdale employees permitted to call 911
9 to request an ambulance to the prison?

10 A. Yes.

11 Q. Have you ever known that to happen while you
12 were warden at Trousdale?

13 A. Yes.

14 Q. Roughly how often?

15 A. It varies. I mean, to give you a number, I
16 would be just making up a number. It happened whenever
17 there was a need.

18 Q. And can Trousdale employees call 911 if there
19 is a violent incident at the prison?

20 A. If there is a need for 911, yes.

21 Q. Do you know if Trousdale employees, during
22 your tenure at Trousdale, if any Trousdale employees
23 ever called 911 for a violent incident?

24 A. Yes, if it required medical assistance, yes.

25 Q. What about -- I guess, here's my question:

1 You have security forces inside the prison to deal with
2 some sort of violent outbreak or fight or riot; is that
3 right?

4 A. That's correct, yes.

5 Q. And if things were to get kind of beyond the
6 control of what it is that your folks were able to do if
7 there was some sort of a violent uprising at the prison,
8 what is the next step? What happens after that?

9 A. There would be direction given to call for
10 outside resources or assistance.

11 Q. Outside resources or assistance would be law
12 enforcement, the county sheriff, police department,
13 something like that?

14 A. TDOC, all of the above.

15 Q. Who would make that call? Would that be you
16 or is any individual permitted to do that?

17 A. Typically the central control operator.

18 Q. What is a central control operator?

19 A. It's the person's -- or persons, because that
20 was a multi-post, two-person post. They control all of
21 the doors, monitor cameras, issue keys, equipment, those
22 types of things all from a central location.

23 Q. During the time that you were warden, do you
24 know if either of the people in that post ever had to
25 make a call to bring in outside resources because of an

1 incident?

2 A. That was non-medical related?

3 Q. Yes, sir.

4 A. Not that I am aware of, no.

5 Q. Do you know of anybody ever calling for
6 outside resources while you were warden of Trousdale
7 that was not a medical incident?

8 A. No.

9 Q. And when you say medical incident, medical
10 incident includes people who were hurt because of a
11 fight or something like that; is that right?

12 A. Yeah, needing EMS or it could have just been
13 a medical episode, a heart attack, yes.

14 Q. Would you agree that at certain times while
15 you were warden at Trousdale, that inmates had access to
16 weapons?

17 A. Fashioned weapons, the homemade weapons, yes.

18 Q. What about traditional weapons?

19 A. No.

20 Q. You had a protective custody unit at
21 Trousdale?

22 A. We did. Well, let me say this: No, we
23 didn't actually have a designated protective custody
24 unit. We had inmates that were approved for protective
25 custody and would be pending transfer to a protective --

1 a facility that has a protective custody unit.

2 Q. So I want to make sure that I understand
3 this. So if you are a prisoner at Trousdale while you
4 were warden and someone felt concerned for their safety
5 for whatever reason, then they would raise their hand or
6 fill something out and say I need protective custody; is
7 that right?

8 A. That's correct.

9 Q. What would happen to that individual once you
10 get that notification that they request protective
11 custody?

12 A. They would be placed into alpha unit, which
13 is the restrictive housing unit. An internal
14 investigation would be conducted to determine whether or
15 not there was cause or things that could be validated to
16 support the protection need. And if so, they were
17 approved for protective custody, placed on protective
18 custody until they were transferred from the facility or
19 whatever the concern was moved or went away.

20 Q. If someone is in protective custody, how long
21 do they normally stay in that? Did you call it alpha?

22 A. Yes, it's A-unit. Alpha unit, yes, ma'am.
23 It varied. We didn't have the authority to move people
24 out. Central office made that determination when and
25 where they would move to, so it varied in length of

1 time.

2 Q. While you were warden, did you ever have any
3 inmates request protective custody but be denied the
4 ability to go into protective custody?

5 A. Yes.

6 Q. What types of circumstances were those?

7 A. It varied. You know, if a person -- the
8 information that they provided was not able to be
9 validated or, quite frankly, was able to be
10 unsubstantiated in the threat or if they made an
11 allegation that they were in fear of a specific person
12 that was no longer at the facility, then they would be
13 denied. It would go through an investigative process to
14 make that determination.

15 Q. Are they placed in alpha unit while that
16 investigative process is going forward?

17 A. Yes.

18 Q. Every time?

19 A. I can't think of a time we did a protective
20 custody investigation where a person didn't go into
21 alpha unit.

22 Q. Have you ever had any prisoners that were
23 injured while in protective custody?

24 A. Yes.

25 Q. Like fights with other inmates?

1 A. Yes.

2 Q. When they're in protective custody, what is
3 different than being in the regular population?

4 A. So they don't go to the chow hall. Their
5 meals are satellite-fed to them in their designated
6 area. They're in there with similarly situated
7 population. They're actually now confined -- they were
8 confined to their cells, so they're limited contact as
9 far as even in the day room. So it was more about
10 taking away the day-to-day contact with other inmates.

11 Q. Did they have an individual cell or are they
12 doubled up when they're in protective custody while you
13 were there?

14 A. Probably some of both. There would have been
15 some that were single cell, there would be some that
16 were a two-man cell.

17 Q. Were the individuals that were in alpha unit
18 for protective custody -- were there additional staff
19 assigned to that unit to pay more attention to them
20 because of security threats, or typically not?

21 A. The staffing pattern actually only called for
22 one officer, but we routinely staffed it with two in
23 alpha. So context goes, it's alpha unit, but alpha was
24 the area that we primarily kept the inmates that were
25 pending protective investigations.

1 Q. And that normally had one or two people
2 watching over it?

3 A. The contract staffing pattern called for one,
4 but we routinely staffed it with two.

5 Q. What is a lockdown?

6 A. In what context?

7 Q. Do you know if I said there was a lockdown at
8 Trousdale, do you know that is?

9 A. Yes, there is a lockdown, meaning the
10 restrictive housing that those inmates are there for
11 either protective, disciplinary. A lockdown of the
12 entire institution is just that, all inmates are
13 confined to their cells or bunks if they're in the open
14 bay.

15 Q. Is there a policy that governs lockdowns at
16 Trousdale?

17 A. I don't think there is an actual specific
18 policy, no.

19 Q. Is that just something that is known within
20 the industry?

21 A. Yes, ma'am. And then, of course, there's an
22 operational plan that's developed if we are going to be
23 locked down for a period of time as to certify how we're
24 going to do showers, how we're going to do phone calls,
25 how we're going to do feeding processes, all of those

1 things. It's an operational order.

2 Q. Were there facility-wide lockdowns while you
3 were warden at Trousdale?

4 A. Yes, ma'am, there was. And, obviously, we
5 did that for various reasons. And always it was for
6 security and safety of the institution.

7 Q. What was the longest institutional lockdown
8 that you had while you were warden?

9 A. Length of time, 30 days, maybe. Maybe a
10 little longer.

11 Q. When you're on lockdown, everyone is confined
12 to their cell?

13 A. Yes.

14 Q. Is there chow hall, or everyone stays in
15 their cell?

16 A. Again, it depends on the reason for lockdown.
17 Sometimes we did take the inmates in a controlled
18 fashion, one pod at a time. Go to the chow hall, go
19 back, lock up. Other times, we would bring the meals to
20 them inside of their particular assigned housing area
21 and go cell to cell. It just depended on the purpose
22 and the reason for the lockdown.

23 Q. How many times would you say that the
24 facility was on lockdown while you were the warden?

25 A. It would be a pure guess. I couldn't give

1 you a number.

2 Q. Would you say it was more often on lockdown
3 than it was not?

4 A. No.

5 Q. Would you say it was on lockdown
6 approximately a quarter of the time that you were
7 warden?

8 A. Again, without going back and looking, I
9 don't know. I can't just give you a guess.

10 Q. Where would I find the records that would
11 indicate how often the facility was on lockdown?

12 A. Honestly, I don't know. I don't know that
13 there is a record unless it would be an incident related
14 where there was an actual 5-1 report generated.

15 Q. So is there any paperwork that is filled out
16 when the facility goes on lockdown?

17 A. Yeah, it would be in those incident reports.
18 For example, if we lock down for a facility-wide
19 shakedown, it would have the lockdown plus the facility-
20 wide shakedown results. If we were locked down due to
21 an incident, the incident that drove the lockdown would
22 have -- would be in that particular report.

23 Q. What about when the lockdown is lifted, where
24 would that be recorded?

25 A. That, I don't know if there is any formal --

1 I mean, we make notification through to the central
2 communication center, which is with TDOC, both for lock-
3 down and for release of lockdown. So it should be there
4 as well.

5 Q. So I want to get that straight. So it did
6 seem like you probably have to -- you have to report to
7 someone when you put the entire facility on lockdown; is
8 that right?

9 A. Correct, yes, ma'am. And that's TDOC. We
10 follow that particular guideline, not CoreCivic's
11 guideline to that.

12 Q. So I'm going to back up just a little bit.
13 So when you put an entire facility on lockdown, you have
14 to notify someone at TDOC?

15 A. Yes, ma'am. My apologies, yes.

16 Q. That's okay because we're working through
17 this. And then when you take the facility off of lock-
18 down, you also notify TDOC of that information?

19 A. That's correct.

20 Q. Okay, so if I were to want to know for the,
21 you know, past five years or whatever it is, how often
22 and for how long Trousdale, as a facility, was under
23 lockdown, I could get that information from TDOC?

24 A. Yes. I can't speak for their retention
25 periods and how long they have documentation. But yes,

1 that's where that information would have been reported
2 to both on and off.

3 Q. Did you report that information to any place
4 else?

5 A. No. Other than, like I said, referenced into
6 our incident reports when we went on lockdown for
7 whatever the reason was.

8 Q. Were you ever evaluated on how often the
9 facility was on lockdown? Was that ever something that
10 was discussed with you?

11 A. I think during the comptroller audit they
12 asked -- they were asking about the lockdowns and the
13 length of time. And a lot of that was driven from media
14 stories or complaints that the families may have
15 generated.

16 Q. What about CoreCivic, did you ever speak to
17 someone at CoreCivic about the frequency that Trousdale
18 was on lockdown?

19 A. Not specifically. I mean, because
20 ultimately, the decisions were typically discussed prior
21 to making that decision. They were part of that
22 discussion in the decision making process.

23 Q. So before you would put the facility on
24 lockdown, you would talk to somebody at CoreCivic?

25 A. I wouldn't say I would -- you know,

1 obviously, if there was an immediate need for me to put
2 them on lockdown for security and safety concerns, I
3 would make that decision and then immediately follow up
4 that with a conversation with both TDOC as well as my
5 leadership.

6 Q. And then would your leadership and TDOC both
7 be involved in the decision to take the facility off of
8 lockdown?

9 A. Yes.

10 Q. Who at TDOC would you talk to about that?

11 A. Typically, the correctional administrator and
12 the contract monitor. Correctional administrator was
13 John Fisher.

14 Q. Who would you speak to about those lockdown
15 issues at CoreCivic, your boss?

16 A. My boss. So it would be -- depending on the
17 time frame, it would have been Jason Medlin, Stacey
18 Stone or Charles Keating.

19 Q. Has anybody ever expressed concern to you
20 about the frequency of lockdowns or the duration of
21 lockdowns at Trousdale?

22 A. Not that I can recall. I mean, there was
23 always -- obviously, our initiative, as well as anyone
24 else's, was to resume back to normal operations as
25 quickly and as safely as possible.

1 Q. Have you ever heard reports that Trousdale
2 prisoners have had access to TOMIS codes?

3 A. TOMIS codes or to TOMIS?

4 Q. To TOMIS.

5 A. Yeah, there was -- I believe there was an
6 allegation out of the education at one point. I believe
7 OIC conducted that investigation. I cannot recall what
8 the conclusion was, but I believe the investigation was
9 actually handled by TDOC.

10 Q. And why is TOMIS kept from prisoners? Why do
11 they not have access to that?

12 A. It's the offender management system. I mean,
13 it contains all of their information with regards to STG
14 affiliations, criminal charges, program classification,
15 disciplinary, all of the above. Nothing medical that
16 they would have access to, but a lot of other records
17 that other inmates shouldn't have about other inmates.

18 Q. Why would some inmates not need to have that
19 information about other inmates?

20 A. They shouldn't have it, I mean, because
21 there's a lot of things that they could do with it that
22 would be inappropriate.

23 Q. Could it create a dangerous situation for
24 some inmates?

25 A. It could.

1 Q. Do you do exit interviews for employees when
2 they terminate or when they leave employment at
3 Trousdale?

4 A. We try to. Not always is everybody
5 responsive, but we try.

6 Q. Who conducts those exit interviews?

7 A. Typically, the human resource department.

8 Q. Who is the person at human resources
9 department that I could talk to about exit interviews?

10 A. Peaches Poole is the human resource manager.
11 And I do believe they were doing a mail-out from our
12 corporate office for written. But I don't know whether
13 or not they received responses back from that or not.
14 But I believe they were doing some type of mail-out type
15 of thing as well.

16 Q. Have you ever heard of former employees
17 complaining about Trousdale being dangerous?

18 A. Have I ever heard about it?

19 Q. Yes, sir.

20 A. I have heard about it.

21 Q. In what context?

22 A. Just what you just indicated. That they felt
23 that it was dangerous, you know, for whatever reasons
24 that they were saying that they felt that way.

25 Q. Are you aware of any Trousdale employees that

1 have been assaulted by prisoners?

2 A. Yes.

3 Q. Are you aware of any Trousdale employees that
4 have been stabbed by prisoners?

5 A. I am.

6 Q. During your tenure?

7 A. Yes.

8 Q. What about any Trousdale employees that have
9 been sexually assaulted by prisoners during your tenure,
10 are you aware of that?

11 A. Yes.

12 Q. What about rapes by prisoners, are you aware
13 of any employees being raped by prisoners at Trousdale
14 during your tenure?

15 A. Yes.

16 Q. How many?

17 A. One that I am aware of.

18 Q. How many sexual assaults?

19 A. Only the one that I am aware of.

20 Q. And how many stabbings by inmates of
21 employees are you aware of during your tenure?

22 A. Three, I believe.

23 Q. What about, are you aware of Trousdale
24 employees being seriously injured by prisoners during
25 your tenure?

1 A. Yes.

2 Q. How many serious injuries of employees by
3 prisoners do you recall during your tenure?

4 A. I would say the three that I referenced.

5 Q. Are you aware of an employee who lost an eye?

6 A. I am.

7 Q. Is that one of the serious injuries that
8 you're thinking of?

9 A. Yes.

10 Q. Is that the same employee that was sexually
11 assaulted?

12 A. Yes.

13 Q. Are you aware of any incidents at Trousdale
14 when you were warden in which officers considered --
15 used what you considered to be excessive force?

16 A. Yes.

17 Q. How many incidents?

18 A. One that I am aware of.

19 Q. And could you describe the one for me,
20 please?

21 A. It was following the events with the
22 individual who lost her eye and was sexually assaulted.
23 The staff member made the decision to act out of emotion
24 and assaulted the inmate who was alleged to have
25 committed that infraction and ultimately was terminated

1 and has either been prosecuted or is still in criminal
2 proceedings for his conduct.

3 Q. Do you know if any litigation, other than a
4 criminal prosecution, came out of that incident?

5 A. I am not aware of any, no.

6 Q. Are you aware if the former employee filed
7 any lawsuits against CoreCivic or Trousdale?

8 A. I do not believe she has.

9 Q. Do you know how long the prisoner was alone
10 with the woman who lost the eye?

11 A. It was, I believe less than a minute.

12 Q. And so this was the same person who was also
13 raped by the prisoner?

14 A. Yes.

15 Q. And so is it your understanding that she lost
16 an eye and was raped in less than a minute, or was there
17 someone else present?

18 A. I watched it on video so I know that the only
19 person that was in there was that individual.

20 Q. So that individual and the woman who was
21 raped and lost an eye, and your understanding is they
22 were alone for a minute?

23 A. Yes.

24 Q. And it's on videotape you said?

25 A. Yes.

1 Q. Are you aware of any allegations while you
2 were warden at Trousdale that pod and cellmate
3 assignments had been made to punish other prisoners?

4 A. No, I am not aware of that.

5 Q. Is something like that permitted?

6 A. No.

7 Q. Is there any situation, when you were warden
8 at Trousdale, where a prisoner would be allowed to walk
9 in a different pod that they're not assigned to?

10 A. I mean, there are intermixing of populations
11 that occurred, whether going to the school, education,
12 you know, crossing of paths of to and from the chow
13 hall, I mean, going to rec yards. There would be
14 incremental contact on the sidewalks going to and from
15 various locations.

16 Q. But if you had a prisoner that was assigned
17 to B pod -- I'm just making up letters. And so they're
18 assigned to B pod and then there's also prisoners that
19 are assigned to C pod, you're saying those folks might
20 like intermix when they're at chow or when they're in
21 the yard or whatever. But I guess my question is, is
22 there ever a situation where someone who's assigned to B
23 pod could get up and just decide to walk into C pod and,
24 you know, check out everybody's cells and do whatever?

25 A. They should not be, no.

1 Q. Is there something to prevent that from
2 happening, like physical barriers?

3 A. There's doors in between the pods and then
4 there's staff at the doors, you know, that are in those
5 designated posts.

6 Q. Are those considered critical staffing posts?

7 A. Yes.

8 Q. Do you know of any times where prisoners have
9 gone from one pod into, like inside another pod that
10 they were not assigned to?

11 A. Yes.

12 Q. How was that able to happen?

13 A. Returning back large groups, coming back from
14 wherever it is that they were out of their pod at,
15 whether it be the chow hall, whether it be recreation,
16 education, and then the staff member not performing the
17 checks and balances as prescribed. And then ultimately,
18 if that was the case and we had staff deviate, then the
19 accountability would be applied to them.

20 Q. Did that end in up in reports at some point?

21 A. Typically, it would be. If it was employee
22 conduct, it would be a disciplinary on the inmate and
23 then potentially a disciplinary on the employee if the
24 employee did not follow the policies that were
25 established.

1 Q. When you were warden at Trousdale, did you
2 ever hear any allegations that locks on some of the
3 doors didn't work?

4 A. Yes.

5 Q. What, if anything, did you do in response to
6 those allegations?

7 A. We did a lot of things. We, obviously,
8 trained additional staff on processes for fixing the
9 locks, so that was the first and foremost. We took --
10 we held inmates accountable for tampering with their
11 locking devices. We practiced the lock-in lock-out
12 protocols so when it was appropriate tier time, we would
13 then take the inmates, they could come out of their
14 cells, the doors to be secured so they didn't have
15 access or they had limited access to the locking
16 mechanisms to lessen those opportunities for them to
17 tamper with the locking devices.

18 We developed lock check protocols for the
19 assigned officers to, throughout the course of their
20 shift, to physically test the locking mechanism to make
21 sure that it was functioning in the way that it was
22 designed to function. And then we -- if they could not
23 remedy the lock working, then the cell would be vacated
24 and it would be what we call red-lined until maintenance
25 could actually fix the actual locking mechanism itself.

1 Q. And how did you find out about the issue with
2 the locks not working?

3 A. Honestly, I don't know specifically whether I
4 just found a lock that wasn't working, whether staff
5 reported it or whether inmates reported it. Probably
6 all of the above, if there was issues with it. But
7 yeah, we took a lot of stances and steps to limit those
8 opportunities. You'll never completely do away with it,
9 but we took a lot of steps to limit those opportunities.

10 Q. When you heard this issue about the locks,
11 are we talking like one lock or two locks, or it was
12 like a systemic locking concern?

13 A. At the early onset, it was a systemic locking
14 concern. There were significant improvements when the
15 locking mechanism protocols were put into place. You
16 know, again, you're never going to be able to resolve
17 all of those issues, but there was a significant
18 reduction.

19 Q. Do you know when the locking mechanism
20 protocols were put into place?

21 A. It was shortly after my arrival, but to give
22 you a date, I don't know.

23 Q. Is there something in writing someplace that
24 might indicate that for me?

25 A. I believe there was an instructive memorandum

1 that was generated with the protocols for checking --
2 how to check the locks and all of those processes.

3 Q. And that would be one of the memos that's in
4 your memo book?

5 A. Yes.

6 Q. Great. Do you know how long the video
7 footage is maintained at Trousdale?

8 A. It varies. With the milestone system, I
9 believe up to 100, 120 days total. You're talking about
10 -- I am assuming you're talking about the facility-wide
11 camera system. But if there is a lot of movement in one
12 area, it may be a little less than that. But I would
13 say on average anywhere from 100 to 120 days is what is
14 pretty customary.

15 Q. Do you know if there is a policy at CoreCivic
16 for how long that the video footage must be maintained?

17 A. On the facility camera system, I don't
18 believe there is a policy. Now, if there is an incident
19 where there was a handheld videotape, then our
20 administrative policy, I think it's 115, would tell us
21 how long we would keep that particular footage.

22 Q. When you say handheld, that's almost like the
23 precursor to body cams, right? Somebody would come in
24 with the video camera and watch, like they'd video tape
25 an extraction of a cell or whatever's happening; is that

1 right?

2 A. Yeah, the system-wide system, I mean, it
3 self-writes over it based on the -- and again, I am not
4 an IT guy -- by the amount of footage is there and then
5 it will start rewriting over it. But the average time
6 that we found was 100, 120 days.

7 Q. While you were warden of Trousdale, did you
8 ever hear any allegations that the staff were using gang
9 members to police the prisoners?

10 A. Did you say to release?

11 Q. To police.

12 A. Oh, police. Yes, I heard those allegations,
13 but if we did it -- hear those allegations, each one
14 were investigated. And if there was a fact that a staff
15 member was found doing something of that nature or even
16 that would suggest of giving the person the perception
17 that they had any level of authority over another
18 inmate, then that person would be held accountable.

19 Q. Do you know if any of those allegations were
20 sustained against any employees while you were warden at
21 Trousdale?

22 A. I think there was one. And I can't remember
23 the circumstances around it. There was a female
24 employee that I believe -- again, I would have to go
25 back and do the research on it. But I do believe that

1 there was one where an employee was found that they were
2 acting inappropriate similar to that nature of
3 allegation.

4 Q. And if I was looking for that specific
5 information, do you know where I could look, what
6 documents I could look to find it?

7 A. It would have to be through a staff
8 correction problem solving notice, which is in that
9 system that I referred to, the automated system.

10 Q. And it was a female employee?

11 A. If memory serves me right, it was a female
12 employee. But I do believe that there was some
13 discipline around something of that nature.

14 Q. Do you know what the details are of what she
15 was found to have done?

16 A. I don't recall specifically, no.

17 Q. Do you recall what year it was?

18 A. No, I don't.

19 Q. Did you have to report that information to
20 your supervisor?

21 A. Yes, that is something I would have reported.

22 Q. Would that report have been in writing or
23 over the phone?

24 A. Over the phone.

25 Q. Do you know if any information about that

1 discipline ended up in any of the audit reports that
2 were done of Trousdale while you were there?

3 A. I don't recall.

4 Q. Do you know if the information about the
5 disciplinary action taken against that employee was
6 handed over to the Tennessee comptroller?

7 A. I don't know.

8 Q. Are you aware of any allegations of Trousdale
9 or CoreCivic strategically assigning gang members to
10 certain units or pods to control the violence?

11 A. No.

12 Q. Do you know if any such allegations were
13 investigated?

14 A. No.

15 Q. While you were at Trousdale, do you know if
16 any ongoing training was provided to employees?

17 A. Was the question ongoing training?

18 Q. Yes, sir.

19 A. Yes, we follow ACA standards as well as
20 CoreCivic policy. Every employee is to receive 40
21 hours, a minimum of 40 hours per year.

22 Q. And is that, whatever classes they've taken
23 or whatever training they've received, would that be
24 indicated in the employee's personnel file?

25 A. In their training file.

1 Q. In their training file, okay. Does Trousdale
2 have a critical incident stress management team?

3 A. Not Trousdale specifically. Our company has
4 the CISM team that would be deployed at the direction of
5 leadership at our headquarters.

6 Q. What is a critical incident stress management
7 team?

8 A. It's a group professionals that are
9 professionally trained to come to facilities whenever
10 there is a significant type of incident that may have an
11 impact to both the population as well as staff, as an
12 opportunity to talk with them and help them work and
13 cope through whatever the incident may be.

14 Q. And you did not have that team at Trousdale?

15 A. No, they're not assigned to any specific
16 facility. Now, the team members may be at facilities,
17 but they're dispatched and sent to the facilities that
18 are in need across our entire company.

19 Q. Did you ever have the critical incident
20 stress management team come to Trousdale while you were
21 warden?

22 A. I did.

23 Q. How many times?

24 A. Two times, I believe.

25 Q. What was it for?

1 A. It was following two of the three incidents
2 that I referenced with the employees.

3 Q. I think I'm going a little slow and it might
4 just be the after-lunch haze. Which incidents? Was one
5 of them the woman who lost the eye?

6 A. Yes. And the other was the male staff member
7 -- actually, you know, it might have been -- it was for
8 all three, I take that back, that they were dispatched
9 for all three of those incidents where the employees
10 were severely hurt.

11 Q. And so we know about the one where the female
12 employee was sexually assaulted and lost an eye. What
13 were the other two?

14 A. Yeah, the male officer who was stabbed by an
15 offender. And then you also had another female who was
16 attacked by an inmate that required her to go out to the
17 hospital.

18 Q. And when you say attacked, you mean
19 physically attacked --

20 A. Yes.

21 Q. -- not sexually attacked?

22 A. No, there was no sexual that was discovered
23 during the investigation.

24 MS. HERZFELD: If you could just give me one
25 minute, please.

1 (Pause in the deposition.)

2 BY MS. HERZFELD:

3 Q. Just a couple more questions for you. You've
4 been very patient with us today. Did you ever draft any
5 memos concerning the rate of violence at Trousdale?

6 A. No, not that I can recall.

7 Q. Do you know if you ever drafted any memos
8 about the three attacks, the three violent incidents
9 that you just discussed? Did you ever draft any memos
10 on those?

11 A. No, not that I can recall.

12 Q. Are there times when inmates have submitted
13 grievances and they have not been responded to when you
14 were at Trousdale?

15 A. As previously stated, with administrative
16 error, I'm sure there was occasions.

17 Q. Do you know how many? Do you have any idea
18 how often that happened?

19 A. I don't.

20 Q. Is there a place that grievances are stored
21 at Trousdale?

22 A. Yes, they go to the grievance coordinator.

23 Q. Is the grievance coordinator a CoreCivic
24 employee or a TDOC employee?

25 A. A CoreCivic employee.

1 Q. Do you know if those records are kept in hard
2 copy or if they're kept electronically or both?

3 A. I believe it's both. I think that they also
4 enter the data into the TDOC system as well.

5 Q. During the time that you were warden at
6 Trousdale, how many grievance coordinators did you have?

7 A. I believe two or three through the duration
8 of the time that I was there.

9 Q. Is it one position but you had two or three
10 different people fill it?

11 A. That's correct.

12 Q. And how were the performance evaluations of
13 those three employees who were the grievance
14 coordinators?

15 A. I don't recall specifically. I would have to
16 see the employees and then I could pull it up. But I
17 don't recall what their specific outcome of each of
18 their evals were. They would have been completed by
19 their supervisor.

20 Q. Do you know if any of those grievance
21 coordinators were ever disciplined or fired?

22 A. I don't believe so.

23 Q. Do you know of any concerns about the
24 performance of any of those grievance coordinators?

25 A. Not right off memory, no.

1 MS. HERZFELD: Give me just one second,
2 please.

3 (Off-the-record discussion.)

4 MS. HERZFELD: I don't think I have any more
5 questions for you today, Mr. Washburn. Thank you so
6 much. You've been a very cooperative witness.

7 THE WITNESS: You're welcome.

8 MR. WELBORN: Give me about five minutes.

9 (Recess observed.)

10 MR. WELBORN: I don't have any questions
11 today.

12 MS. HASHEMIAN: The State doesn't have any
13 questions, either.

14 MS. HERZFELD: All right, Mr. Washburn, thank
15 you very much. You're free to go to. Enjoy the rest of
16 your day.

17 THE WITNESS: Thank you.

18 MS. HERZFELD: I meant to mark an exhibit,
19 Exhibit 1. It's the only exhibit in the whole thing.

20 (Exhibit 1 was marked.)

21 FURTHER DEPONENT SAITH NOT.

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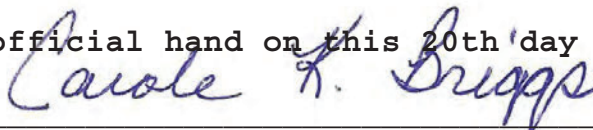
1 CERTIFICATE

2 STATE OF TENNESSEE)
3) SS.
4 COUNTY OF DAVIDSON)

5 I, CAROLE K. BRIGGS, Licensed Court Reporter
6 within and for the State of Tennessee, do hereby certify
7 that the above deposition was reported by me and that
8 the foregoing pages of the transcript is a true and
9 accurate record to the best of my knowledge, skills, and
10 ability.

11 I further certify that I am not a relative,
12 counsel or attorney of either party nor employed by any
13 of the parties in this case or otherwise interested in
14 the event of this action.

15 IN WITNESS WHEREOF, I have hereunto affixed my
16 official hand on this 20th day of April 2021.

17 

18 CAROLE K. BRIGGS
19 Shorthand Reporter
20 Tennessee License No. 345

21
22
23
24
25

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